

CHIEF EXECUTIVE'S OFFICE

Chief Executive: N.M. Pringle

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: NMP/CD

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2nd February, 2006

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the County of Herefordshire District Council to be held on **FRIDAY, 10TH FEBRUARY, 2006** at The Council Chamber, Brockington, 35 Hafod Road, Hereford. at **10.30 a.m.** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely,



N.M. PRINGLE
CHIEF EXECUTIVE



A G E N D A

COUNCIL

Date: **Friday, 10th February, 2006**

Time: **10.30 a.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford.**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

*Christine Dyer, Members' Services
Manager and Executive Officer*

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AGENDA

for the Meeting of the COUNCIL

To: All Members of the Council

	Pages
1. PRAYERS	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on this Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 4th November, 2005.	1 - 12
5. CHAIRMAN'S ANNOUNCEMENTS To receive the Chairman's announcements and petitions from members of the public.	
6. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	13 - 18
7. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS To receive any written questions.	
8. NOTICES OF MOTION UNDER STANDING ORDERS Councillor Mrs. M.D. Lloyd-Hayes has submitted the following notice of motion: <i>I would like to propose that the recently vacated Denco car park site, adjacent to the Hereford Leisure Centre be the location for a skatepark facility to serve the many young people who have been working towards this objective for more than a decade.</i> <i>The vacated Denco site is not in a residential area and planning permission for change of use to a Skatepark was granted in November 2005 . This is a unique opportunity for the local authority to actively support young people. No other suitable site has become available for years and the Leisure Centre will benefit from increased usage.</i> <i>In collaboration with other partners, we believe this site would provide a much needed resource for young people, improving health, reducing anti-social behaviour and providing much needed pleasure. We would welcome the investment of the Herefordshire Council for our younger generation.</i> The Chairman will rule on whether the matter is urgent.	
9. CABINET To receive the report and to consider any recommendations to Council arising from the meetings held on 17th November and 15th December, 2005 and 12th and 26th January, 2006.	19 - 46

10. PLANNING COMMITTEE	47 - 50
To receive the report and to consider any recommendations to Council arising from the meetings held on 25th November, 2005 and 20th January, 2006.	
11. REGULATORY COMMITTEE	51 - 54
To receive the report and to consider any recommendations to Council arising from the meetings held on 29th November, 2005 and 31st January, 2006.	
12. STANDARDS COMMITTEE	55 - 56
To receive the report and to consider any recommendations to Council arising from the meeting held on 2nd December, 2005.	
13. STRATEGIC MONITORING COMMITTEE	57 - 62
To receive the report and to consider any recommendations to Council arising from the meeting held on 26th January, 2006.	
14. RESULT OF THE TUPSLEY BY-ELECTION	63 - 64
To formally note the result of the by-election for Tupsley Ward.	
15. WEST MERCIA POLICE AUTHORITY	65 - 70
To receive the report of the meeting of the West Mercia Police Authority held on 13th December, 2005. Councillor B. Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority.	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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MINUTES of the meeting of COUNCIL held at The Council Chamber, Brockington, 35 Hafod Road, Hereford. on Friday, 4th November, 2005 at 11.00 a.m.

Present: Councillor J.W. Edwards (Chairman)
Councillor J. Stone (Vice Chairman)

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, H. Bramer, R.B.A. Burke, M.R. Cunningham, P.J. Dauncey, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, K.G. Grumbley, J.G.S. Guthrie, J.W. Hope MBE, B. Hunt, T.W. Hunt, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, Miss F. Short, R.V. Stockton, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, D.B. Wilcox, J.B. Williams and R.M. Wilson

36. PRAYERS

In the absence of the Dean of Hereford, the Very Reverend Peter Haynes led the Council in prayer.

The Council stood and observed a minutes silence in memory of Councillor George Hyde.

Tributes were paid to Councillor Hyde by the Group Leaders of the Conservative, Independent and Liberal Democrat groups and, in the absence of the Leader of the Labour Group, by the Deputy Leader of the Group.

37. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. W.U. Atfield, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.E. Harling, R.M. Manning, Mrs. J.E. Pemberton and A.L. Williams.

38. DECLARATIONS OF INTEREST

Councillor R.I. Matthews declared a prejudicial interest in Agenda Item 15 - Herefordshire Council - Members' Allowances. He left the Council Chamber for the duration of the discussion on this item.

39. MINUTES

RESOLVED: That the minutes of the meeting held on 29th July, 2005 be approved as a correct record and signed by the Chairman.

40. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced the official ceremony for the re-opening of Eign Gate which would take place on Wednesday, 16th November, 2005 at 12.30 p.m. The ceremony would be conducted by Mrs. Jeannette Hyde, who would unveil a

commemorative stone in memory of her late husband, Councillor George Hyde. All Members would receive invitations to attend.

The Chairman congratulated the Chairman of the Regulatory Committee on the Committee's successful handling of the Council's new responsibilities conferred by the Licensing Act 2003. Since assuming its new role the Council had received 1,680 applications, all of which have been dealt with in a most efficient manner.

Council has congratulated the University of Worcester on its successful application for University status.

The Chairman announced that the Civic Service would be held on Sunday, 19th March, 2006 at Hereford Cathedral and asked Members to note this important event in their diaries. He said that further details and invitations would be sent out nearer the date.

PETITIONS

The Chairman received two petitions prior to the meeting. One was in support of the provision of public open space at Dorchester Way, Belmont. He presented this one to the Cabinet Member (Community Services). The other was in support of retaining the pedestrianisation scheme in Widemarsh Street and was presented to the Cabinet Member (Highways and Transportation).

41. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the County Secretary and Solicitor more than six clear working days before the meeting.

Three related questions were received from Mr. D. Parkhill, Hereford and were included in the agenda and are reproduced below for ease of reference.

- (a) The Environment Agency (EA) has been asked by the council to remove the boats from the river in Hereford. When did this become council policy?
- (b) In 2002 when the EA became Navigation Authority the river in Hereford was navigable and had a daily boat service which provided a much needed and popular tourist attraction for the City. Why has the council not asked the EA to maintain the river to at least this standard?
- (c) When will the council be a significant player in matters relating to the river?

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) responded as follows:

- (a) The Council has been concerned about the appearance of a boat and has taken enforcement action through the Planning system. The Environment Agency has similarly been informed of concerns about boats being moored for long periods and their appearance. Such action does not reflect any change in Council policy.
- (b) Responsibility for the river and its use rests with the Environment Agency and the issues raised are a matter for the Agency to address.

That said, I wish to promote the River Wye as a major positive attribute which needs to be maintained and enhanced to help promote both the City and the whole County for the benefit of tourists, sportsmen and those pursuing other rural hobbies.

I would like to see proper investment by the Navigation Authority in the River with the Environment Agency undertaking necessary maintenance and improvements to enhance and, where appropriate, exploit the attractions of the County's waterways, whilst taking into account the conservation needs of the river, particularly in areas of outstanding natural beauty.

- (c) The Council works with the Agency when issues arise and the Agency requires the Council's input.

Councillor Wilcox said that whilst he was responding as Cabinet Member, he was also the Council's representative on the River Wye Navigation Authority.

42. QUESTIONS TO THE CABINET MEMBERS AND CHARMEN UNDER STANDING ORDERS

The Chairman reminded Council that the Chief Executive was no longer required to read aloud the questions submitted by Members. The questions had been listed in the order in which they had been received and circulated at the beginning of the meeting.

Question asked by Councillor D.J. Fleet

"Can the Cabinet Member (Highways and Transportation) confirm whether or not the new traffic orders for Hereford High Town are now in place?"

Councillor Wilcox, Cabinet Member (Highways and Transportation) reminded Council that the Traffic Regulations introducing revised arrangements for prohibition of parking and loading, prohibition of access and one way traffic came into legal effect on 28th October, 2005.

He advised that the Department for Transport has not finally approved the extensive signage which is needed to support these Orders and to allow the restrictions to be enforced. He said it would not be realistic to expect this work to be completed before the New Year.

Questions asked by Councillor W.L.S. Bowen

"Can you please illuminate the Council on the key elements of the Nottingham Agreement?"

- 1. I note that Hereford is one of the few, but sensible, Councils that have signed the Nottingham Agreement – please could we be informed of our baseline position (particularly re carbon management) and what future actions we will be taking to implement the Agreement?"*

Councillor P.J. Edwards, Cabinet Member (Environment) replied that the baseline position was established as part of the Council's Carbon Management Action Plan, by which it would be delivering the Nottingham Agreement. Greenhouse gas emissions in 2002 amounted to 72,000 tonnes. He advised that the agreement was available for inspection by any interested parties.

2. *"What efforts are being made to encourage the manufacture and use of bio diesel and bio ethanol fuels? How much of these fuels are being made?"*

Councillor Edwards said Herefordshire was being considered as a location for both bio-diesel and bio-ethanol manufacturing plants. Plans for a small to medium size bio-diesel plant had been developed by a local business which was seeking support from Advantage West Midlands and Defra.

He advised that there was a small manufacturer of bio-diesel substitute fuel at Rotherwas Industrial Estate which is selling fuel to a number of customers at a substantially lower price than fossil fuel diesel. The fuel is made from waste cooking oil, much of which is collected from Herefordshire schools.

Councillor Bowen asked if the Council could encourage the manufacture of new fuels, perhaps by relaxing the planning regulations. Councillor Edwards replied that the Council was very active through a number of Environmental Ambitions Groups, but that it would be wrong for the Council to favour one particular company over another.

3. *"Is Hereford Jarvis using bio diesel in its transport fleet. If not, why not?"*

Councillor Edwards advised that Herefordshire Jarvis does not at present use bio-diesel. The group has a purchasing arrangement through Jarvis parent company for fuels, and the Council has asked for the use of bio-diesel to be considered.

4. *"Are we making sufficient attempts to encourage the use of biomass generators for the production of heat and electricity? Can you give me any examples of biomass generators in Herefordshire?"*

Councillor Edwards said that the Climate Change Working Group of the Herefordshire Partnership had assessed the distribution of available sustainable biomass and its report was due to be published along with the final Climate Change Strategy in March 2006. There are a number of biomass heat-only boilers installed in the County, and the Council continues to encourage such facilities at every opportunity.

5. *"Why doesn't the Council re-cycle all the grit and stone picked up by the road sweeping lorries? If other Councils do this successfully – why can't Herefordshire?"*

Councillor Edwards advised that Severn Waste Services (the Council's contractor) is investigating the feasibility of recycling these materials on behalf of both Herefordshire and Worcestershire.

In response to a further question from Councillor Bowen, Councillor Edwards advised that this matter was being actively pursued. The Contractor was arranging for the installation of plant to reduce the mass but warned that much of the material would need to undergo an extraction process to be de-contaminated.

Questions asked by Councillor Mrs. M.D. Lloyd Hayes

1. *"Are the proposals for a corporate building, Library and Hereford Police Station on the Edgar Street Grid, now defunct? If so what was the cost of the DTZ consultation?"*

The Leader advised that he was still waiting to hear from a number of partners who may be interested in sharing a corporate building. He confirmed that the Library

would be an important part of the development of the Grid and that the Police were expected to maintain a presence in the area.

He reminded Council that the DTZ study was commissioned under the previous administration and had a budget limit of £250,000, half of which would be met by Advantage West Midlands and half by the Council. The final costs were £242,211. The DTZ report was submitted as part of the Unitary Development Plan proposals for Hereford City which were still awaiting final determination. He advised that 17 companies had expressed an interest in the regeneration works.

In response to a further question from Councillor Mrs Lloyd-Hayes, Councillor Phillips said he was unaware of discussions being undertaken with any particular supermarket.

2. *"Is there any truth in the rumour that Park and Ride is to be located at the Hereford Race Course?"*

Councillor D.B. Wilcox, Cabinet Member (Highways and Transportation) confirmed that a review of a variety of sites had been carried out, a preferred site had been selected and work had commenced to progress this. The exact location of the site would remain confidential for the time being to avoid conflicting with commercially sensitive land negotiations.

3. *"When will this Council show some vision and cross-party thinking in order to achieve a County we can all be proud of in 20 to 30 years time?"*

Councillor Phillips reminded Council, that following the 2003 elections he had proposed an all-party administration in order to achieve those objectives. He believed that there was a great deal of evidence to support the Council's commitment to cross-party working and cited the Unitary Development Plan, the Local Transport Plan, development of the Edgar Street Grid as well as the Herefordshire Plan as examples. He spoke of the good work being done in the market towns of Ledbury, Leominster and Ross-on-Wye where local Members from all parties were meeting regularly and discussing issues of importance to their residents and encouraged all Members to come together to discuss matters of mutual interest or concern.

43. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

44. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 1st, 15th and 29th September and 20th October, 2005.

In relation to Item 3.1 - Enforcement of Clean Neighbourhood and Environment Act 2005 - Councillor P.J. Edwards, the Cabinet Member (Environment) answered a number of questions on this matter. He advised that the Council had powers to take enforcement action against landowners who did not keep their grounds in order and that the new Act would confer greater powers in this respect. He said that it was difficult for the Council to police those responsible for causing litter or those who allowed their dogs to foul pavements and other public areas and that the costs associated with clearing such mess was ultimately borne by the Council Tax payer. The introduction of the new fines would help to redress the balance. He advised that organisers of major events should work closely with the street cleaning staff to ensure that appropriate cleaning took place. He confirmed that one additional officer

had been appointed to supplement the existing staff, in addition to the three dog wardens currently employed by the Council. He advised that no fines had yet been issued for the offence of causing litter but that two had been issued for dog-fouling and several other for related offences such as allowing dogs off leads in restricted areas.

In relation to Item 4.1(i) - Capital Strategy - In response to a query about the cost of a new corporate building, the Leader agreed that, whilst awaiting other representations, the Council would continue to pursue the Plough Lane option. He agreed that the intention was for a cost neutral solution taking account of the disposal of other Council property. He confirmed that local Members would be informed of any decisions to dispose of properties in their wards but was not yet in a position to give any indication of the timing of such disposal.

In relation to Item 4.2(iii) - Community Forums - In response to concerns about poor attendance at Community Forum meetings, the Leader advised that he met with the Chairmen of the Community Forums and Cabinet Members after each round of meetings and they would continue to explore ways of encouraging attendance. He asked Members to play their part in this process.

In relation to 5.1(i) - Safeguarding Children - In response to a number of queries regarding the number of children involved, the age of transition from children's services to adult services and associated support, Councillor D.W. Rule, Cabinet Member (Children's Services) said that the Council had 170 looked after children. The Leader referred Council to the agenda to the Cabinet meeting held on 29th September, 2005 which contained a full report on the matter. Councillor Rule agreed to provide additional information after the meeting.

In relation to Item 11.1(i) - Herefordshire Thinks Rural - Councillor J.C. Mayson, Cabinet Member (Rural Regeneration and Strategy) acknowledged the decline of the agricultural economy of the County over recent years. The Leader reminded Council that Herefordshire, as an agricultural county, was a minority in an urban nation. He said that changes to the Common Agricultural Policy would have a profound effect on the landscape which was also a key factor in the County's tourism industry.

In relation to Item 11.1(ii) - Relocation of the Livestock Market - Councillor Mayson agreed to explore the use of Herefordshire Matters as a means of encouraging greater public involvement in the debate over the relocation of the Livestock Market.

In relation to Item 12.1(i) - Housing Strategy for Herefordshire - In response to a comment, Councillor Mrs. L.O. Barnett, Cabinet Member (Social Care Adults and Health) agreed that the Housing Strategy was a very important document. She agreed that the Council must address the considerable challenge of providing sufficient affordable accommodation in the County and urged that applications for permission for such accommodation be treated more favourably.

In relation to Item 12.1(ii) - Herefordshire Older People's Strategy - In response to a query, Councillor Mrs. Barnett said that the plans for the Extra Care Village were progressing well. It was not possible, at this time, to say whether a replacement building would be constructed on the same site as Disraeli Court but she gave an assurance that the existing residents would be found suitable alternative accommodation. She reminded Council that older people, in the future, might have very different requirements to those of today's elderly.

In relation to Item 12.1(iii) - National Health Service Organisational Change - In response to a number of queries, Councillor Mrs. Barnett assured Council that the

Council and the Primary Care Trust were working closely together, being involved in joint discussions and pooling of resources, each playing their part in the delivery of integrated health services.

RESOLVED: That the reports from the meetings of Cabinet held on 1st, 15th and 29th September and 20th October, 2005 be received.

45. STANDARDS COMMITTEE

In the absence of Mr. Robert Rogers, Councillor J.W. Edwards, the Chairman of the Council presented the report of the meetings of the Standards Committee held on 26th July and 7th October, 2005.

Councillor T.M. James, Leader of the Liberal Democrat Group, paid tribute to the work of the local Standards Committee but expressed concern about the effect the new regulations were having on parish and town councils. He said that the majority of local councillors take on the voluntary, unpaid role in order to give something back to the community, but that the requirements to register their financial and other interests would destroy many parish councils and erode their goodwill and comradeship. He called for the Standards Board for England to be abolished, saying that any complaints about parish or town councillors behaviour could have been dealt with under previous legislation. Councillor Edwards said that parish and town councils were required to obey the law. He agreed that they had a difficult job and said that the Council was always willing to help and support them in any way necessary.

RESOLVED: That the report of the meeting of the Standards Committee held on 26th July and 7th October, 2005 be received and the recommendations set out below be approved:

That two additional clauses be included in the Herefordshire Council Code of Conduct for Members and Officers Dealing with Planning Matters (Appendix 13 of the Council's Constitution) as follows:

- 40. If an application is submitted by a relative or partner (as defined in the Code of Conduct for Members) of a Member of the Herefordshire Council, the applicant may speak at committee meetings (subject to Standing Order 5.11 – Public Speaking at Meetings of Planning Committees and Area Planning Sub-Committees) or appoint an agent to speak on his or her behalf.**
- 41. The Chairman of the Planning Committee which will determine the planning application in which a Member of the Council has an interest will appoint another Member of the Council to provide procedural and other advice and information to the applicant, and to the town or parish council concerned.**

46. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meeting of the Regulatory Committee held on 23rd August and 25th October, 2005.

He received a number of congratulations from Councillors, some passed on by members of the public, on the excellent work that had been done by the Regulatory

Sub-Committee following the introduction of the new Licensing Act. He in turn paid tribute to the staff who had supported the work of the committee.

He dealt with a number of queries relating to liquor licensing and taxis.

Liquor licensing - He said that 80% of known premises had applied to have their licences converted. As regards the others, he said that the Council would be taking enforcement action, along with the Police. Initially licence holders would be given the opportunity to submit an application but if there was any crime and disorder or law breaking activity the premises would be closed.

In reply to a criticism that local residents were unaware that pubs would be allowed to open until the early hours of the morning every night, Councillor Matthews said that all local residents were fully informed of the applications for change of opening hours and were invited to raise their concerns. He said that not one application had been granted against police recommendations.

Taxis - some concern was raised about the number of taxi licenses being granted for Hereford City. Councillor Matthews said that the Committee was required to obey government guidelines when processing applications and there was no restriction on the number that could be granted. There was also concern that there were not enough taxi ranks to support the number of taxis, leading to health and safety problems on the road and blocked pavements. Councillor Matthews agreed that the Enforcement Team was understaffed at present and that the situation should improve once it was up to its full quota.

Councillor Matthews agreed to take a report on taxi provision to the next meeting of the Regulatory Committee.

RESOLVED: That the report of the meetings of the Regulatory Committee held on 23rd August and 25th October, 2005 be received.

47. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meetings of the Planning Committee held on 26th August and 30th September, 2005.

He advised that the matter of the removal of the earth bund at Hereford City Sports Club had been referred to the Enforcement Team.

RESOLVED: That the report of the meetings of the Planning Committee held on 26th August and 30th September, 2005 be received.

48. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meetings of the Strategic Monitoring Committee held on 26th September and 14th October, 2005.

Councillor J.C. Mayson, Cabinet Member (Rural Regeneration and Strategy) welcomed the opportunity to remind Council that the search for a suitable site for the relocation of the livestock market was continuing. He said that the call-in of the decision to name a preferred site at Stretton Sugwas gave the Cabinet the opportunity to announce this change to the original decision.

Councillor S. Thomas, Chairman of the Health Scrutiny Committee confirmed that all interested parties, including district nurses, were being consulted in the review of GP out of hours services.

In response to a series of questions, it was confirmed that youth services were currently the responsibility the Cabinet Member (Community Services) but that this was likely to be re-allocated to the Cabinet Member (Children's Services) in line with the recommendations of the Youth Matters Green Paper. This would require an amendment to the Council's Constitution which was expected in early 2006. It was confirmed that the youth service caters for those aged 13-19 years.

In response to a call for a realistic budget to be set for Adult Social Care in the next financial year, the Chief Executive reminded Members that the responsibility for setting the Policy Framework and Budget rested with the Council as a whole, although the Executive (Cabinet) had the right to consider and advise on those issues before a decision was taken by Council.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 26th September and 14th October, 2005 be received.

49. AUDIT COMMITTEE

In the absence of the Chairman of the Committee, Councillor A.C.R. Chappell, Councillor Mrs. Robertson presented the report of the meeting of the Audit Committee held on 30th September, 2005.

Corporate Risk Management and Audit Planning - concern was raised about school transport, as it was claimed that, once the initial criteria for eligibility had been satisfied, no further checks were carried out.

RESOLVED: That the minutes of the meeting of the Audit Committee held on 30th September, 2005 be received.

50. INDEPENDENT REMUNERATION PANEL

Having declared a prejudicial interest, Councillor R.I. Matthews left the meeting for the duration of the discussion on this item.

Councillor J.W. Edwards, the Chairman of Council presented the report of the meeting of the Independent Remuneration Panel held on 3rd October, 2005.

In response to a number of queries and comments, the Chief Executive advised that the Independent Remuneration Panel was an advisory body only and that, although only two members of the panel had attended the meeting the others had been sent the notes of the meeting, including the recommendations for comments.

In referring to a letter from UNISON that had been circulated to all members of the Council, prior to the meeting, he regretted that the union did not wish to be represented on the panel but hoped they would participate in the future. He apologised for not recording the reasons for their non-attendance in the report to Council.

It was noted that, if parish and town councils decided to pay allowances to their Councillors, it would be for each individual council to determine the level of allowances and these would be met from the parish precept.

He advised that it was for Council to determine whether it wished to approve the recommendations of the Panel.

RESOLVED: That the report of the meeting of the Independent Remuneration Panel held on 3rd October, 2005 be received and that the recommendations set out below be approved.

- That
- (a) The Councillors' Allowances Scheme be amended to provide that the Special Responsibility Allowance payable to the Chairman of the Council's Regulatory Committee be increased from Band 4 to Band 3 on an interim basis until the next review of the scheme, from 1 April 2005, to reflect the recent increase in responsibility and frequency of meetings;
 - (b) the Panel meet during 2006/07 to review the Council's Members' Allowance Scheme in advance of the May 2007 local elections and taking into account practice elsewhere in the Country; and
 - (c) work be carried out on measurement of Members' performance and a report submitted to a future appropriate meeting;
 - (d) Town and Parish Councillors be eligible to claim reimbursement for travel associated with their parish council duties at the same level as Herefordshire Council elected Members (currently 40p per mile);and
 - (e) before any recommendation be made by the Panel on level of town and parish council allowances, HALC, the Market Town Councils and Hereford City be asked about interest in introducing a scheme for payment of a Parish Basic Allowance, and, if interested, to present information on time commitment and level of responsibility and comment in support.

51. CASUAL VACANCY IN TUPSLEY WARD

Council noted the report of the Returning Officer about the arrangements for a bye-election in the Tupsley Ward following the death of Councillor G.V. Hyde.

52. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the West Mercia Police Authority held on 20th September, 2005.

Police Restructuring - Councillor Hunt reminded Council of the presentation it had had from the Chief Constable of the West Mercia Constabulary immediately prior to the meeting. He said that the Police Authority supported the proposal to form a West Mercia Strategic Police Service, as any of the other proposals would be likely to lead to a reduction in policing performance in the County. The Leader of the Council expressed concern about the impact any changes to the structure of the police force might have on the County. The Leader of the Liberal Democrats said that the police should be looking at a Herefordshire Police Force within the Strategic Force to ensure that local priorities were met. Councillor Hunt was concerned that there was no mention of who would bear the costs of the restructure and how the per capita budget would be allocated.

Councillor Hunt responded to a number of questions and comments. He agreed that

future reports should include a glossary of terms; he said that a police presence would be maintained in Leominster Town Centre but that the main station would be re-located to premises on the industrial estate.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 20th September, 2005 be approved.

53. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor G.W. Davis presented the report of the meetings of the Hereford and Worcester Fire and Rescue Authority which were held on 13th June and 23rd September, 2005.

In response to a query about a new Fire Station in Hereford he said that there was a 10-year refurbishment and new build programme for Fire Stations across the authority's area. The Hereford Station would be unlikely to be affected for at least another five or six years.

He confirmed that the regional fire control centre for the West Midlands was to be located in Wolverhampton and that its success would depend on significant development and investment in communications provision among other things.

RESOLVED: That the report of the meetings of the Hereford and Worcester Fire and Rescue Authority which were held on 13th June and 23rd September, 2005 be received.

The meeting ended at 1.10 p.m.

CHAIRMAN

6. QUESTIONS FROM MEMBERS OF THE PUBLIC**Report By: Members Services Manager and Executive Officer****Wards Affected****Purpose**

1. To receive any questions from members of the public deposited more than six clear working days before the meeting of Council.

Background

2. Standing Order 4.24 of the Constitution states that: A member of the public may ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties or which affects the County as long as a copy of that question is deposited more than six clear working days before the meeting i.e. by close of business on a Wednesday in the week preceding a Friday meeting. No supplementary questions may be asked.
3. A total of 25 minutes shall be set aside for the answering of questions from members of the public save that the Chairman, or Vice-Chairman, if presiding, shall have absolute discretion to vary the period of time by making it shorter or longer as he/she considers appropriate. Any questions unanswered at the expiry of the time limit shall be dealt with by way of written reply to the questioner.
4. Any question which contains defamatory material or the publication of which is likely to be detrimental to the Council's interests, may be rejected.

Questions

5. A number of questions were received by the deadline. These are attached at Appendix 1.

Questions from Philip Taylor, Hereford

Following the last full council meeting on 4th November 2005 I was so pleased to hear the leader of the council, Cllr Roger Phillips' reply to the question put to him by Cllr Marcelle Lloyd-Hayes. She asked him whether there were any discussion being held regarding putting a supermarket on the Edgar Street Grid. He replied, "No, not to my knowledge, not at all."

My question is, whether we, the public, can be reassured that Cllr Phillips' assertion at the last full council meeting on 4th November 2005, that he did not know of any discussions being held regarding putting a supermarket on the Edgar Street grid, will indeed mean that no supermarket will be build on the grid. I am also opposed to the Tesco supermarket being transferred from the Bewell Street site. As a 21 year old post graduate currently training Worcester University for my PGCE, I feel it would be better for Hereford not to have any additional supermarket there. We need many more things for the youth of Hereford, not a supermarket.

Question from Rob Hattersley, Hereford

"Have the Council done an assessment of the economic impact on the city centre of any increase in retail capacity on the Edgar Street grid and if not, do they intend to? Will the Council publicise the results of such an economic impact assessment, and provide time for public debate and scrutiny to allow city centre retailers and their customers a chance to add their voice to the debate? How important do the Council believe it is to prove that the diversity of Hereford city centre will be enhanced and not compromised by competition from big off-centre retailers, before giving those retail developments the go-ahead?"

Question from Edward Owen, Hereford

I just wanted to raise a few questions for discussion at the next council meeting about a use for the old Denco car park. I understand there has been some interest in using the site for some sort of skatepark and I wanted to address this issue.

I have been involved in skateboarding for over 5 years now and over that time I have seen that sport, along with BMX and rollerblading, become very popular, to the point where I feel it warrants as much attention as sports like football. However, activities such as football are catered for very well, with facilities for its pursuit widely available, in contrast to skateboarding which is ignored. If skateboarding were even nearly as popular, then why is it so poorly catered for ?

Hereford is a large city, but, after the decommission of the ramps at Whitecross, it has only one real dedicated location for skateboarding, the park in Newton Farm. The construction of the small skatepark in Hunderton is a step towards improving the situation, but it is not nearly enough. There is no easily accessible, well designed skatepark to cater for the large numbers of young people who need somewhere in Hereford. Why does the council treat skateboarding differently ? Obviously skating in schools or other public places is restricted, yet the council does not provide an alternative.

Wouldn't it make perfect sense to use the site in question to construct a skatepark which would fill the void that currently exists? Is the council even aware that it needs to do something to correct the problem of young people not having a dedicated site ?

I have heard news over the past few years of various plans to build a good skatepark in Hereford, but they have all gone nowhere. Does the council realise that this is the best chance to finally give the 'wheeled sport enthusiasts' of Hereford what they need ?

The situation of a skatepark in Hereford needs to be resolved, and this is the perfect opportunity to do so. The site near Denco would be a great location, so why not make use of it?

Question from Spencer Davies

My names spencer davies. Im 17 yrs old, i go to HCS college. Im emailing you about the new idea of a skatepark being built near the leisure centre. Im a skateboarder and i skate pretty much all the time out of college hours. I'm so glad to hear that theres actually thoughts about a new park being built north of the river.

However, as good as it is to hear this idea, it could also go horribly wrong.. What do i mean by this?

Ive been and seen a number of places around the UK and USA. Ive recently watched a video where a pro skateboarder was asked to plan a "skate plaza" in the town of kettering, Ohio, USA. What he did was go to the street spots where he skated, take measurements, ideas and whathaveyou and try and REPLICATE these spots. Its not necessarily a skate park but a "park to skate in" if you see what i mean? It doesnt even need to be so high tech with so many ramps and huge out of proportion obstacles, it could be so much more simple. i.e. these street spots that we want to skate so much yet we get kicked off by the staff, managers, security and then the police. The latter occurs because we go back to the place as we love it so much.

I dont really have any major questions to ask... but all i want to say is dont make a park with no planning and thoughts which will end up not being used to its full capacity (which is what we want right?). If anyone needs a guidance just take a look at recent projects in the UK (stoke-on-trent plaza and prissick plaza in middlesbrough).

Question from Christian Montez

Don't you think that it is about time for people of Hereford to get a decent skate park. We skate the streets and get treated like terrorists, frowns and abuse from passers by, stopped and searched by the police. It isn't even illegal to skateboard through high town, even though we get threatened with legal action and the confiscation of our boards. Even if you ask the police to quote which laws you are breaking they can never tell you. We cant skate the parks because they are either too dangerous due to them falling apart such as white cross, or they are been used as crack dens and or places where prostitutes practice their arts such as under the ramps at newton farm. The council at the moment are surly liable for being sued for the state of the ramps at white cross, if someone comes off and slices themselves open on the splintered de-laminating wood it think you guys would be in trouble.

It is about time the north of Hereford got a skate park, and a decent one at that. Hereford has now got a large growing population of skateboarders, bmx riders and bladers etc that need to be accommodated. Its about time the backwards people in Hereford got down of their high chairs and did something that they didn't directly got

a benefit from. If they are that worried about young people in town, build the park at Denco. It is perfect! easy access from town, down the back of Sainsbury and there are already plenty of zebra crossings in place for people to safely cross.

Common guys don't you think its time you did something for us? after all we are going to be the people in charge of your nursing homes ;)

Question from Eliot Sargeantson, Fownhope

just a letter to say , lately there has been a lot of hassle from police and members of the public about skaeboarders and bmxers riding in and around town, although i have been told by a member of Hereford council that it is legal to skateboard in town, the police are saying otherwise. there is currently nothing available on the north side of the river and i was wondering whether anything is going to be done about it. i have asked several times over the period of the last six years and nothing has ever come of it. please help us out.

Question from Nick Galloway

Why? unlike every other major city and country in Europe has Hereford taken so long to acknowledge these activities as serious and permanent sports and leisure activities, that are soon to be acknowledged by other nations as Olympic sports come Beijing 2008, and why it has become such a long winded process since most elder members of the public lived through the boom during the 1970s and why the opinion of Hereford's public has changed so dramatically in the last 30 years?

Question from Lionel Meredith, Hereford

Can the tax payers be made aware of the financial cost of the failure of Herefordshire Council to locate relevant case notes in a recent case (September 2005) concerning street trading and what action has been taken to ensure that such mismanagement will not reoccur?

REPORT OF THE MEETINGS OF CABINET

HELD ON 17TH NOVEMBER AND 15TH DECEMBER, 2005 AND
12TH AND 26TH JANUARY, 2006

Cabinet Members: R.J. Phillips (Leader of the Council),
D.W. Rule, MBE (Deputy Leader),
Mrs. L.O. Barnett, P.J. Edwards, Mrs. J.P. French, J.C. Mayson,
R.V. Stockton, D.B. Wilcox, R.M. Wilson.

This is the third report submitted to Council for the current year and covers proceedings of the meetings listed above.

1. DECISIONS RESERVED TO COUNCIL UNDER PART 4 OF THE CONSTITUTION

- 1.1 **Review of the Constitution** - The Constitutional Review Working Group, Strategic Monitoring Committee and Cabinet have considered a number of proposals for revisions to the Constitution to ensure that it meets all legal and operational requirements. The key issues discussed included: updates to reflect recent changes to the senior management structure; arrangements for filling unavoidable vacancies in Cabinet Member posts; Members' access to information and availability of reports; the Scrutiny rules concerning the process for calling in key decisions, the Members' Allowances Scheme and the appointment and discipline of staff. Cabinet has also recommended that the membership of the Constitutional Review Working Group more closely reflect the political proportionality of the Council.

Cabinet recommends to Council that:

- (a) **the duties previously assigned to the County Treasurer (including Section 151 Officer) be re-assigned to the Director of Resources;**
- (b) **the duties previously assigned to the County Secretary and Solicitor (including Monitoring Officer) be re-assigned to the Head of Legal and Democratic Services;**
- (c) **Cabinet Member portfolios be revised so that the Cabinet Member (Community Services) takes responsibility for Common Land (including Council-owned Commons and determination of any complaints about the management of the Council's Commons) and Public Rights of Way; the Cabinet Member (Children Services) takes responsibility for Youth Services (but see para (d)); and that the Cabinet Member (Resources) takes responsibility for Housing Benefit;**
- (d) **the Children's Services portfolio be renamed Children and Young People to reflect its enhanced role;**
- (e) **in the case of unexpected vacancies arising in Cabinet the Leader be authorised to re-assign responsibilities within the Cabinet, until such time as the Council has an opportunity to review the situation or to appoint a Cabinet Member to the vacant post;**

- (f) **SO 6.2.2.1 - Terms of Reference for Cabinet be amended to include responsibility for Risk Management;**
- (g) **the following words be added to S.O. 2.11 of the Constitution "There are additional rights of access to documents for Members of overview and scrutiny committees as set out in Regulation 18 of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000."**
- (h) **Councillors' rights to inspect documents and proposals set out at Appendix 4 be endorsed;**
- (i) **the rules relating to the co-ordinating role of the Strategic Monitoring Committee be revised as set out in Appendix 5;**
- (j) **the Independent Remuneration Panel at its next scheduled meeting in September 2006 considers whether the post of Chairman of the Audit Committee should be entitled to a Special Responsibility Allowance;**
- (k) **Appendix 4 - Financial Regulations, paragraph 6.2 be amended to include "Where the signature is printed on the cheque by a Council system, the signature will be that of the Director of Resources.";**
- (l) **Appendix 23 - Allocation of Miscellaneous Functions be revised to correct typographical errors at items 14 and 31;**
- (m) **a revised Appendix 6 Appointment and Discipline of Employees (attached) be approved; and**
- (n) **the Political Group Leaders be asked to consider what changes they might wish to make to the membership of the Constitutional Review Working Group to ensure that political proportionality across the Council is more closely reflected, and subject thereto, the Chief Executive be authorised to implement the appointments notified by the four Political Group Leaders.**

2. NOTICES OF MOTION

- 2.1 No motions to Council were considered by Cabinet during the reporting period.

3. KEY DECISIONS BY INDIVIDUAL EXECUTIVE MEMBERS WHICH WERE NOT INCLUDED IN THE FORWARD PLAN

- 3.1 **Bargates Air Quality Management Area** -The Council has a statutory duty under section 83(1) of Part 4 of the Environment Act 1995 to declare an air quality management area if it is satisfied that an air quality objective is likely to be exceeded. Local studies have shown that the traffic related pollutant, nitrogen dioxide, is very likely to exceed this objective at Bargates, Leominster. The Cabinet Member (Environment) has therefore agreed that an order be made under the Act to formally declare the "Bargates Air Quality Management Area" because of elevated levels of the traffic related pollutant nitrogen dioxide.

4. CORPORATE STRATEGY AND FINANCE (Chairman of Cabinet – Councillor R.J. Phillips)

4.1 Report on Decisions Taken

- (i) **Corporate Plan 2006/09** - The Corporate Plan sets out the Council's intentions for its contribution to The Herefordshire Plan and its own organisational improvement. It includes performance measures and targets for three years, actions to achieve them, associated risks and their mitigation and the resources to be allocated. It is the top level plan in the corporate planning process that provides the framework for the Annual Operating Plan and directorate and service plans. Cabinet has noted that it is important for the Council's Performance Indicators and those contained in the Herefordshire Plan to be rationalised. The Corporate Plan 2006/09 has been reformatted to reduce it in size without losing any important data. Cabinet has endorsed a draft, subject to any changes being made to reflect the new Herefordshire Plan, (depending on its timing) the Local Area Agreement with Government and budget decisions. The Corporate Plan 2006/09 will be submitted to Council in March for approval.
- (ii) **Local Area Agreements: Outline Proposals** - On 19th May, 2005 Cabinet gave consent for interest to be registered with the Government Office West Midlands (GOWM) in obtaining a Local Area Agreement (LAA). Since then the Council has been successful in securing an LAA and is one of only 13 areas to have a Single Pot LAA. Cabinet subsequently approved outline LAA proposals and a first draft Local Area Agreement (LAA) has been to the Government Office for the West Midlands. Cabinet has now approved a second draft LAA for submission by 3rd February, 2006. The final LAA will be signed off by 24th March, 2006.
- (iii) **Hereford City Council Service Level Agreement with Herefordshire Council** - Cabinet has received a report on potential changes in the Service Level Agreement with Hereford City Council. It was confirmed that the City Council would reduce, by £85,000 the sum it contributed via a Service Level Agreement to a figure of £133,000. Cabinet has asked that a full assessment be made on the impact any changes to the SLA will have on the services provided in the City. The Budget Panel will be requested to address this as part of its deliberations on the 2006/07 revenue budget. Cabinet has also noted that Hereford City Council has confirmed its long term interest in acquiring the Town Hall.
- (iv) **Police Restructuring in England and Wales** - Cabinet has considered the Council's response to the West Mercia Police Authority following the publication of Her Majesty's Inspectorate of Constabulary (HMIC) report "Closing the Gap" and the subsequent letter issued to Police Authorities by the Home Secretary. Despite reservations about the effect any restructure would have on policing in Herefordshire, it has supported the establishment of a West Mercia Strategic Police Service. It has also expressed concern about the speed of the consultation exercise which it felt was not in the best public interest.
- (v) **Local Public Service Agreement Update** – Cabinet has received an update on the Local Public Service Agreement (LPSA). It has noted that the majority of the stretched targets have an end date of March 2008, with the exception

of the Road Safety target which is measured to December 2008. It has also noted that there is a Performance Reward Grant (PRG) of £4.4 million attached to the achievement of the targets (£366,000 per target).

Cabinet has noted that the Council will be relying on partner organisations and significant investment to achieve many of the ambitions. It has agreed to allocate £1.7 million of Performance Reward Grant from LPSA1 and £0.9 million Pump Priming Grant to fund the second generation Local Public Service Agreement (LPSA2).

4.2 Report on Items of Interest

- (i) **Comprehensive Performance Assessment: Corporate Assessment and Joint Area Review** - Cabinet has received formal notice of the receipt of the Corporate Assessment and Joint Area Review. It has noted that the Comprehensive Performance Assessment process was revised this year and Herefordshire Council was one of the first eight authorities to experience the new process of assessment. This involved a Corporate Assessment and a Joint Area Review which were carried out at the same time. The new Assessment also contained an assessment on Direction of Travel which is expressed in terms of the capacity of the organisation to improve. The Council's overall score was that of a three star authority and, under the Direction of Travel statement, the authority was seen as "Improving Adequately". In overall terms there was a positive assessment of the review of Services for Children and Young People, however, there was a major qualification to that overall assessment in relation to the area of "Staying Safe" where the inspection had concluded that the arrangements for that area were "inadequate".

The Council has also received reports through the Annual Audit Letter and Inspection Letter which outlines areas where action is needed to contribute to the Improvement Plan. It has received a score of 3 for its Use of Resources.

Finally, the Council has been assessed under the Commission for Social Care Inspection (CSCI) star rating in relation to Adults and is seen as Serving Some People Well with Uncertain Prospects for Improvement, whilst in relation to children the impact of the "Staying Safe" judgement within the Joint Area Review has led to an assessment that the Council is Serving No Children Well with Poor Prospects for Improvement.

The Improvement Planning process has already commenced and will build on the improvement actions outlined in the Corporate Assessment, the Annual Audit and Inspection letter and the Joint Area Review report. Meetings have been arranged with the CSCI Regional Director and the Chief Inspection of CSCI. Early meetings with the Audit Commission and the External Auditors are also anticipated.

Further reports will be submitted to Cabinet and the Strategic Monitoring Committee as the comprehensive Improvement Plan is developed.

- (ii) **Draft Revenue Budget Strategy** - In formulating its initial recommendations relating to the Revenue Budget for 2006/07 Cabinet has considered the recommendations of the Budget Panel. (Strategic Monitoring Committee are

seeing this report on 13th February, 2006.) Initial budget options were considered within the following framework:

- Council Tax increases for 2006/07 and 2007/08 of 4.7%;
- Transfer of unspent Invest to Save budget in 2005/06 into 2006/07;
- Writing off the significant overspends from 2004/05;
- Writing off 2005/06 overspends to reserves;
- Correcting the ongoing base budget issues;
- Preparation of detailed efficiency plans; and
- Preparation of detailed Invest to Save plans.

The proposed budget strategy aims to smooth pressure on Council Tax increases over the next two years; correct structural issues within the base budget; target remaining resources at key spending pressures; and develop, implement and realise the cash benefits from Invest to Save and service improvement initiatives (particularly accommodation and ICT). Cabinet has referred its recommendations to the Strategic Monitoring Committee. Cabinet will meet again on 23rd February to consider any views from the Strategic Monitoring Committee and make further recommendations to Council on 10th March, 2006.

- (iii) **Proposals for 2006/07 Capital Programme** - The Council's Capital Strategy needs to be integrated with the Medium Term Financial Plan and Corporate Plan and decisions made in regard to the capital programme over the medium term need to be aligned with the priority objectives set out in the Corporate Plan. Cabinet has received a report outlining the key issues for consideration regarding the capital funding strategy and the allocation of supported and unsupported borrowing for capital expenditure for 2006/07. Prudential Borrowing allocations made in 2004/05 and 2005/06 for future year commitments become the first call on 2006/07 and 2007/08 allocations. The Capital Scheme Selection and Prioritisation (SSP) process has been used again to collate new capital bids for 2006/07 and future years. Cabinet has noted that prudential borrowing bids have not been submitted for a number of significant capital projects, e.g. the relocation of the livestock market and the corporate accommodation project.

Appendix 1 details the 2006/07 Supported Capital Expenditure (Revenue) allocations. Prudential Borrowing Allocations were made in 2004/05 and 2005/06 and these included future year commitments which are detailed in Appendix 2. The five recommended bids and those requiring further consideration are included at Appendix 3.

The current proposal is that:

- (a) the Supported Capital Expenditure(Revenue) awarded for Children's Services, Transport and Housing provisionally be ringfenced to those areas;

- (b) a minimum level of Prudential Borrowing of £5,843,000 for 2006/07 be approved as set out below:

PRUDENTIAL BORROWING REQUIREMENTS				
	Total	2006/07	2007/08	2008/09
	£'000	£'000	£'000	£'000
2006/07 Bids Recommended by CSG	6,063	3,105	2,258	700
Allocations agreed in 2004/05 to be funded	1,863	813	1,050	
Allocations agreed in 2005/06 to be funded	3,850	2,050	1,800	
Non-earmarked SCE(R) able to fund SSP bids	(250)	(125)	(125)	
Net Prudential Borrowing Required	11,526	5,843	4,983	700
Indicated level of Prudential Borrowing Available	(15,000)	(5,000)	(5,000)	(5,000)
Additional Requirement / (Capacity)	(3,374)	843	(17)	(4,300)

- (c) £5,000,000 Prudential Borrowing be approved for each year 2007/08 and 2008/09 to enable commitments from previous years Prudential Borrowing allocations to be funded and to enable future bids to be considered; and
- (d) the capital strategy permits the ability to reprofile schemes should slippage occur in projects funded by Prudential Borrowing. This flexibility is retained to ensure projects can be brought forward should any Prudential Borrowing become available through slippage. -

Cabinet has referred its recommendations to the Strategic Monitoring Committee and will meet again on 23rd February to consider any views from the Strategic Monitoring Committee and make further recommendations to Council on 10th March, 2006.

- (iv) **Strategic Monitoring Committee** - Cabinet has received and noted the report of the Strategic Monitoring Committee which is the subject of separate report to Council.

5. CHILDREN'S SERVICES (Cabinet Member: Councillor D.W. Rule, MBE)

5.1 Report on Decisions Taken

- (i) **Youth Matters - Green Paper** - Cabinet has noted the Council's response to the Youth Matters Green Paper. It has recommended that the Council's Constitution be amended to facilitate the transfer of the Youth Service to the Children and Young People's Directorate with accountability resting with the Cabinet Member in line with Every Child Matters and Youth Matters. It has also noted that the three highest issues identified by young people as needing the most improvement are: young people's involvement in decision-making and democracy, leisure facilities and access to transport.

**6. COMMUNITY SERVICES
(Cabinet Member - Councillor R.V. Stockton)**

6.1 Report on Decisions Taken

- (i) **Youth Matters - Green Paper** - A report on this item is to be found at item 5.1(i) of this report.
- (ii) **Voluntary and Community Sector Support Strategy** - Cabinet has received a progress report on the development of a Voluntary and Community Sector Support Strategy for the Council and its relationship to the Local Area Agreement. It has approved a draft Strategic Framework for consultation and approved the principle of maintaining existing funding arrangements to Age Concern, Community First, Community Voluntary Action Ledbury & District and Herefordshire Voluntary Action, pending final adoption of the Strategic Framework and agreement of the Infrastructure Consortium Business Plan.

**7. CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES
(Cabinet Member - Councillor Mrs. J.P. French)**

7.1 Report on Decisions Taken

- (i) **Implementing Electronic Government 5 Return** – The IEG is an essential part of the national monitoring process for assessing electronic local service delivery capability against central government's 2005 target. It is an important mechanism for assessing progress towards realising benefits from the investment of e-government and the use of IEG funding in individual local authorities. Cabinet has noted that the Council is expected to achieve 99% compliance with the Government's Best Value Performance Indicator 157 (electronic delivery of services) by April 2006. It has also noted that the Council's website is rated the best, technically, of all local authority websites in the country.

Cabinet has approved the Implementing Electronic Government Return (IEG5) for submission to the Office of the Deputy Prime Minister.

7.2 Report on Items of Interest

- (i) **Integrated Performance Report** - The Council's Corporate Plan sets out the Council's objectives, priorities and targets for the three year period 2005-2008. The Annual Operating Plan is the detailed action plan for the first of these years 2005-2006. Cabinet has received a progress reports on the first eight months of the current year and has noted the arrangements in place to integrate the performance and other management activity necessary to implement successfully the Council's Corporate Plan. It has noted that 361 compliments have been recorded along with 79 comments. Of the 159 complaints received 70 were upheld and subsequent action taken. Cabinet will receive another progress report at the end of March.
- (ii) **Comprehensive Equality Policy** - The Comprehensive Equality Policy (CEP) is the overriding document that sets out the Council's commitment to achieving excellence and meeting its responsibilities to promote and implement equality when it is providing services, purchasing services,

employing staff and working in partnership with other organisations. It provides the focus to ensure that the Council meets the criteria needed to reach Level 2 of the Equality Standard by 2007. Cabinet has received a progress report on the implementation of the Policy and has requested further updates every six months.

- (iii) **Pay and Workforce Development Strategy 2005/08** - The Council's Pay and Workforce Development Strategy 2005/08 adopted the Employers Organisation's five themes as key areas that Council needed to address: pay; reward and recognition; resourcing; developing leadership capacity; developing the skills of the workforce; and organisational development. There was an added emphasis in the Council's Strategy on ensuring workable pay, reward and recognition structures to help recruit, motivate, and retain the employees the Council needs to deliver its services. Cabinet has received a progress report on the implementation of the Strategy which shows significant progress in a number of areas.

8. ENVIRONMENT (Cabinet Member: Councillor P.J. Edwards)

8.1 Report on Decisions Taken

- (i) **Update on the Operation of the Herefordshire Code of Practice for the Temporary Agricultural use of Poly tunnels** – Cabinet approved a Code of Practice for the Temporary Agricultural use of Poly tunnels in October 2004. That decision provided for the Code to be reviewed after two years ie in 2006. The Environment Scrutiny Committee has received a progress report from the Head of Planning Services, after the Code has been in operation for one year, and has made a number of recommendations to Cabinet.

Cabinet has noted the report and recommendations and has agreed that a further report be made in the event of any significant change in case law which would change the basis of the current Code of Practice. It has endorsed the principle of incorporating the pre-consultation requirements of the Code of Practice into the draft Statement of Community Involvement currently in preparation, and also endorsed the continued operation of the Code of Practice subject to a full review in October 2006. It has agreed an amendment to the Terms of the Code of Practice by inserting the requirement for a local impact statement specifying, as a minimum, the proposed vehicular routing, volume and type of traffic, and the need for mitigation measure which may include one-way routes, hardening of passing places or surface improvements.

- (ii) **Local Development Scheme** – The Planning and Compulsory Purchase Act 2004 introduced a new system of development planning, known as the Local Development Framework. One of its requirements is for local planning authorities to publish a statement of how their forward planning work will be organised over a three year period. This is known as the Local Development Scheme. The first Scheme for Herefordshire came into effect on 1st January, 2005.

Cabinet has approved a revised Local Development Scheme to have effect from 31st January, 2006. The main amendments include: changes to the

timetable for the Core Strategy which has been revised to avoid conflicts with the likely Unitary Development Plan (UDP) timetable; timetables for new Supplementary Planning Documents (SPDs) including those for the Edgar Street Grid and for planning obligations; and for Parish Plans to be adopted as further planning guidance to the UDP rather than as Supplementary Planning Guidance or SPDs. There are no changes to the programme for the Statement of Community Involvement. In addition Cabinet has noted that the issue of affordable housing may be addressed more easily under the Local Development Scheme than had been the case with the UDP.

- (iii) **Annual Monitoring Report 2004-2005** - The Planning and Compulsory Purchase Act 2004 introduced new provisions and requirements for development planning. The regular review and monitoring of development plans through mandatory Annual Monitoring Reports (AMRs) is a fundamental feature of the new planning system. AMRs are to be based on the period 1st April - 31st March and submitted to the Secretary of State no later than the following 31st December. The AMR largely follows the thematic division of the chapters in the UDP, such as housing and employment. Objectives for each topic area are identified and appropriate policies linked to these are set out. In many topic areas the extent to which UDP policies are being implemented has been difficult to gauge, principally because the UDP has not yet been adopted. Subsequent AMRs will enable more accurate assessments to be made which will be used to develop future planning policies.

Cabinet has approved the first Annual Monitoring Report 2004-2005.

- (iv) **Herefordshire Unitary Development Plan (UDP): Inspector's Report** - The UDP Inquiry was held between February and June 2005. The Inspector's Report is expected to be submitted to the Council before the end of the financial year. Cabinet has agreed that the UDP Working Group comprising the Cabinet Member (Environment)(Chairman), Cabinet Members (Highways and Transportation), Chairman and Vice-Chairman of the Environment Scrutiny Committee and the Chairman and Vice-Chairman of the Planning Committee be reconvened to facilitate consideration of the Inspector's recommendations, advising Cabinet accordingly.

9. HIGHWAYS AND TRANSPORTATION
Cabinet Member - Councillor D.B. Wilcox)

9.1 Report on Decisions Taken

- (i) **Concessionary Fares Scheme** - Cabinet has approved a revision of the Concessionary Travel Scheme for elderly and disabled person following an anticipated change in the regulations governing the operation of such schemes. It has agreed that the Concessionary Fares Scheme be revised to increase the level of discount to pass holders from 50% to 100% of the adult fare and that no other changes be made to the scheme. This means that those over the age of 60 and the disabled, will be entitled to free bus travel from 1st April, 2006. Any additional costs associated with the changes to the scheme will need to be addressed when preparing future budgets.
- (ii) **Widemarsh Street, Hereford - Review of Experimental Pedestrianisation Scheme** - The experimental pedestrianisation of Widemarsh Street and High Street, Hereford, came into effect on 8th June, 2005 and was monitored until 31st December, 2005. Extensive consultation and monitoring was carried out during the experiment, involving face to face interviews with the public in the city centre, questionnaires to city centre retail/business premises, public questionnaires, consultation with stakeholder groups and statutory bodies, a retail assessment by specialist consultants, traffic surveys, monitoring of car park income, monitoring of footfall in a central shopping location, shopmobility usage, visitor numbers to the Museum and the Old House, air quality monitoring and a review of accident data.

Consultation and monitoring during the period indicated that the experiment had received widespread support from the community and has not had a significant adverse impact on strategic traffic routes in Hereford. On the evidence available, the advantages of the scheme appear to be significant in terms of improving the pedestrian and shopping environment. Improvements to pedestrian access to the city centre are a priority in the Local Transport Plan and the scheme itself is consistent with the recommendations of the Hereford Transport Review.

Cabinet has agreed that:

- the Experimental Traffic Regulation Orders prohibiting traffic in Widemarsh Street and High Street, Hereford, between 10.30am and 4.30pm each day and imposing a 20mph speed limit on these roads be made permanent;
- further consideration be given to improvements, including minor highway adjustments, to support access and parking by coaches, taxis and disabled vehicles in the city centre;
- subject to detailed design, revised traffic signal control at the Newmarket Street/Blueschool Street/Widemarsh Street/Maylord Orchard junction be implemented to improve conditions for pedestrians and to provide greater automation of the traffic control measures in Widemarsh Street;
- a programme of targeted action be developed to promote visits to Hereford by more sustainable means of travel, including additional

promotional activity and a study of coach accessibility identifying improvements to signing, coach stopping and coach waiting facilities including re-engineering of the West Street/Broad Street junction, as necessary;

- subject to necessary consultation, an Experimental Traffic Regulation Order be made prohibiting the driving of vehicles in Bewell Street between the hours of 10.30am and 4.30pm each day from its junction with Widemarsh Street to a point 3 metres west of that point; and
- the funding of associated streetscape improvements be addressed within the preparation of the Council's capital programmes for 2006/07.

10. RESOURCES (Cabinet Member - Councillor R.M. Wilson)

- 10.1 There were no decisions taken by Cabinet relating to this programme area during the reporting period.

11. RURAL REGENERATION AND STRATEGY (Cabinet Member - Councillor J.C. Mayson)

- 11.1 There were no decisions taken by Cabinet relating to this programme area during the reporting period.

12. SOCIAL CARE ADULTS AND HEALTH (Cabinet Member Councillor Mrs. L.O. Barnett)

12.1 Report on Decisions Taken

- (i) **West Midlands Regional Housing Strategy** - Cabinet has received a report on the West Midlands Regional Housing Strategy 2005 and Strategy for Allocating the Regional Housing Pot for 2006-08 which form the basis of regional housing policy and investment priorities across the West Midlands Region. It has endorsed the development of increased partnership working between the Council and the Shropshire local housing authorities identified within the West Housing Market Area, as proposed by the Regional Housing Strategy. It has noted that there may be additional revenue and staffing costs associated with supporting the development of co-operative working across the West Housing Market Area and expects to receive a further report once these costs have been identified.
- (ii) **Adult Social Care Budget 2005/06** - Cabinet has received a confidential report on the current budget position in relation to the Adult Social Care budget in 2005/06. It has noted the management actions being taken and the implications this may have on service delivery. It has authorised officers to explore "invest to save" options (showing quantified investments and quantified savings); and approved the use of £714,000 from reserves to meet the carry forward overspend from 2004/05.

- (iii) **Herefordshire Housing Post Transfer Improvement Programme** – The Council's Housing Stock was transferred to Herefordshire Housing Limited (HHL) on 26th November, 2002. Prior to that, in the consultation document for tenants, HHL promised to undertake a programme of repairs, improvements and planned maintenance to the housing stock if the transfer went ahead. At the point of transfer, HHL entered into a legally binding contract with the Council committing the company to honour the promises made within the consultation document.

Cabinet has now received a second progress report on improvements to housing stock transferred to HHL. It has noted that, in the final year of the initial five year programme, HHL's programme of works will concentrate on rewiring and the replacement of external doors. There was some concern about the quality of the work and about disruption, not just to tenants but also to their neighbours, while extensive programmes of work were being carried out. It has asked for a further update following the end of the 2005/06 financial year and asked for the Improvement Programme to be included in the workplan of the Adult Social Care and Strategic Housing Scrutiny Committee.

- (iv) **Community Equipment/Independent Living** – The Chronically Sick and Disabled Persons Act 1970 places a duty on Herefordshire Council for the provision of equipment for those who are disabled or have a chronic illness. The Integrated Community Equipment Service (ICES) is managed by Herefordshire Council in partnership with Herefordshire Primary Care Trust and has a pooled budget. Services include assessment of need; the ordering, supply delivery and subsequent collection, cleaning and recycling of equipment to meet those needs; and where necessary, on-going monitoring of changing needs. The Service provides equipment, on loan, to assist with the maintenance of independence (aids to daily living) and for home nursing and also funds minor adaptations in the home.

Cabinet has endorsed the plans for the Integrated Community Equipment Service to meet the growing demands arising from local, regional and national strategies by developing and expanding the in-house service. However, it has asked that a business plan, with properly identified targets and timescales be submitted to Cabinet for approval before the end of the current financial year.

- (v) **Accommodation Needs of Gypsies and Travellers** - The Housing Act 2004 places a statutory requirement on the local housing authority to carry out an assessment of accommodation needs of gypsies and travellers residing or resorting to their district, as part of the review of housing needs in their districts. In addition national planning guidance indicates that local planning policies should aim to meet the housing needs of all sections of the community, including those with special accommodation needs. Cabinet has endorsed the work being carried out in Herefordshire to identify the accommodation needs of Gypsies and Travellers including: identifying existing sites, including permanent, transit, legal and illegal both tolerated and others; identifying those in settled accommodation; identifying those seeking settled accommodation; personal interviews with Gypsies and Travellers; review of the housing related support service to Gypsies and Travellers; those known to be seeking settled accommodation and registered with Home Point; and identifying any cross boundary working. A further report confirming the

findings of the survey and recommendations for consideration will be submitted to Cabinet in due course.

12.2 Report on Items of Interest

- (i) **Herefordshire Housing Needs Assessment 2005** - The Housing Act 1985 places a duty on the local Housing Authority to consider the housing conditions of its district and its needs with respect to the provision of further housing accommodation. A Herefordshire Housing Needs Survey was published in 1999 and updated in 2001. A further assessment carried out during 2005 consolidates all surveys completed since local government reorganisation. The assessment is based on issues affecting housing demand and supply, such as current and future population, earnings, house prices in the County and homelessness. Cabinet has received a summary of the key findings. Estimates of affordable need in Herefordshire, using four different methods of calculation, range from 2,980 to 6,500. The assessment will be used to influence relevant changes in planning policies to support future planning and financial grant applications for the provision of affordable housing across the County.

- (ii) **Herefordshire Older People's Strategy** - In September 2005 Cabinet approved the production of a Strategy for Older People for Herefordshire. Councillor Mrs. Barnett has been identified as the Older People's Champion for Herefordshire. Her principal role is to act as the Elected Council Member who leads for older people across the Council and to take responsibility, on the Council side, for supporting the implementation of the National Standards Framework and wider Older People's Strategy for Herefordshire. It is intended that Herefordshire's Older People's Strategy will become the strategic document that drives the Healthier Communities and Older People's themes, and that the Herefordshire Partnership Board will assign lead organisations to deliver the targets and actions of the Strategy and to monitor and review its progress on an on-going basis. Cabinet has noted the timetable for the production of the Strategy which is due to be launched in October 2006 and has requested a further progress report in June 2006.

COUNCILLOR R.J. PHILLIPS
LEADER OF THE COUNCIL

APPENDIX 1

**FORECAST SUPPORTED CAPITAL EXPENDITURE
(REVENUE)**

	Allocation	Initial	Provisional Indication		
	2005/06	2006/07	2007/08	2008/09	2009/10
	£	£	£	£	£
Children's Services					
New pupil places - formulaic	435,725	470,320	477,479		
Prior basic need commitments	339,863				
Schools Access Initiative	256,623	255,583	255,583		
Targeted Capital - Sutton		304,350			
Targeted Capital - Weobley		221,350			
Modernisation – all schools need	1,064,162	985,005	1,015,611		
Modernisation – primary need	774,137	1,028,080	1,028,008		
Less – 1/3 modernisation funded through SCE(C)		(805,205)	(613,085)		
Total Education SCE(R)	1,032,211	2,459,411	2,163,596		
Environment					
Integrated Transport Allocation (Single Pot)	2,900,000	2,673,000	2,307,000	2,241,000	2,163,000
Maintenance Block Allocation (Single Pot)	7,559,000	7,802,000	7,958,000	8,356,000	8,774,000
Ross-on-Wye Broadmeadows Flood Alleviation Scheme	103,950				
	10,562,950	10,475,000	10,265,000	10,597,000	10,937,000
	<i>[figures do not include potential SCE funding sought for Rotherwas Relief Road]</i>				
Housing					
Housing (Single Pot)	1,935,500	774,200	580,650		
To be received as Capital Grant		(774,200)	(580,650)		
Private Sector Renewal Kick Start Funds (Ringfenced)	127,500	-	-	-	
	2,063,000	-	-		
<i>Housing Allocations TBA - but there is a safety net of 40% in 2006/07 and 30% in 2007/08 of 2005/06 HIP SCE allocation</i>					
Adult Social Care					
Mental Health SCE(R)	137,686	92,000	93,000		
	137,686	92,000	93,000	-	-
Social Care - Single Pot funding used to supplement Prudential Borrowing					
Adults (Single Pot)	95,000	95,000	95,000		
Children (Single Pot)	30,000	30,000	30,000		
	125,000	125,000	125,000	-	-
Total SCE(R)	13,920,847	13,151,411	12,646,596	10,597,000	10,937,000

APPENDIX 2

2004/05 & 2005/06 PRUDENTIAL BORROWING ALLOCATIONS

	Total	2004/05	2005/06	2006/07	2007/08
	£'000	£'000	£'000	£'000	£'000
Approved in 2004/05					
North Herefordshire Swimming Pool	2,258	1,800	395	63	
Friar St Museum Resource & Learning Centre	140	140			
Aylestone Park	100	100			
Ross Creative Learning Centre	117	117			
Ross Library	10	10			
Hereford City of Living Crafts	120	60	60		
Hereford City Shop Front Scheme	150	50	50	50	
Hereford City Eign Gate	500	100	400		
Hereford City High Town & High St	145	145			
Hereford City Victoria Foot Bridge	300	100	100	100	
Ledbury Info	4	4			
Disabled Access	200	200			
Energy Conservation	100	100			
Crematorium Hereford	100	100			
Leominster Landfill Infrastructure	45	45			
Public Toilets Improvements	150	150			
Hereford Cemetery	100	100			
Network Enhancement	3,170	770	950	500	950
Continuity / Disaster Recovery	950	250	500	100	100
Community Equipment	200	200			
Disabled Facilities Grants	200	200			
Approved in 2005/06					
Disabled Access	200		200		
Leominster Broad Street Car Park	100		100		
Powell Croft Sewage Plant	50		50		
Restore Leominster Landfill Site	710		210	500	
Crematorium	3,050		450	800	1,800
Aylestone Park - Canal Safety	166		166		
Improvements to Toilet Facilities	215		215		
Relocation Ledbury Library	53		53		
Kington Library Refurbishment	535		535		
Info by Phone	1,500		750	750	
Hereford City Centre Enhancement	2,000		2,000		
4 x Minibuses (Soc Care)	97		97		
Holistic Resource at St. Owens	9		9		
Queenswood Car Park	137		137		
2 x Mobile Libraries	180		180		
Total	18,061	4,741	7,607	2,863	2,850

APPENDIX 3

2006/07 SCHEME SELECTION & PRIORITISATION BIDS

Ref	Total £'000	06/07 £'000	07/08 £'000	08/09 £'000
2006/07 Bids Recommended by CSG				
2 Museum Resource & Learning Centre phase 3	703	645	58	
7 Redevelop Pembridge Travellers Site	60	60		
13 Improvements to Public Toilet Facilities	600	200	200	200
14 DDA Compliance Work	600	200	200	200
22 Hunderton School replacement	4,100	2,000	1,800	300
New Prudential Borrowing Required	6,063	3,105	2,258	700
Allocations agreed in 2004/05 to be funded	1,863	813	1,050	
Allocations agreed in 2005/06 to be funded	3,850	2,050	1,800	
Non-earmarked SCE(R) able to fund SSP bids	(250)	(125)	(125)	
Total Prudential Borrowing Required	11,526	5,843	4,983	700
Indicative Prudential Borrowing Available	(15,000)	(5,000)	(5,000)	(5,000)
Shortfall / (Excess) in indicative funding	(3,474)	843	(17)	(4,300)
2006/07 Bids for further consideration				
1 Phase 2 of The Children's Centre Strategy	1,010	400	610	
3 Resurfacing of Queenswood Car Park	50	50		
5 Gas Flare, Stretton Sugwas Landfill Site	55	55		
6 Library Diversity Improvement	33	33		
8 Leominster Area MTI Business Project	240	160	80	
9 Rotherwas Relief Road	3,400	1,805	1,595	
15 Re-roofing units at Rotherwas (Tarsmill Court)	150	150		
17 2nd Phase of Drainage Work - Broad Street, Leo	75	75		
20 Energy Conservation Schemes	150	150		
21 Integrated Community Equipment Store	100	100		
Total 2006/07 Bids for further consideration	5,263	2,978	2,285	

Extract from Report to Cabinet - Review of the Constitution - 26 January 2006

- The last survey by Members Services asking Members which agendas they wanted to be posted to them was carried out in May 2004. It is proposed that a written guide be produced explaining clearly what information is available.
- In the case of a report which contains a key decision by an individual Cabinet Member it is proposed that in addition to informing the Chairman of the relevant Scrutiny Committee that a key decision is to be taken and when, notification is also given to Members of the relevant Scrutiny Committee. Once that decision is made, in addition to sending a further letter to the Chairman of the Scrutiny Committee notifying the decision and advising that the decision will take effect unless it is called in within 3 working days of the date of the decision, a letter will be sent to each Member of the Scrutiny Committee. (This notification will be by e-mail).
- At present if a Key Decision is **not** included in the Forward Plan and the decision is for Cabinet, a separate letter is sent to the Chairman of the relevant Scrutiny Committee along with the Cabinet agenda, to satisfy Section 15 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 which requires that: "that decision shall only be made where the proper officer has informed the Chairman of the relevant overview and scrutiny committee ... by notice in writing of the matter about which the decision is to be made". To streamline this process it is proposed that a notice be included on the front of the Cabinet agenda which will highlight any key decisions contained in the report, whether included in the Forward Plan or not. This could be along the lines of:

HEREFORDSHIRE COUNCIL - NOTICE UNDER REGULATION 15 OF THE LOCAL AUTHORITIES - (EXECUTIVE ARRANGEMENTS) (ACCESS TO INFORMATION) REGULATIONS 2000 (AS AMENDED)

Notice is hereby given that the following reports contain key decisions. When a decision has been made the Chairman of the relevant Scrutiny Committee will be sent a copy of the decision notice and given the opportunity to call-in the decision.

Item No	Title	Cabinet Portfolio	Scrutiny Committee	Included in Forward Plan Yes/No

- A similar notice will appear on the Cabinet Bulletin, which is sent to all Members.
- The Working Group agreed that the current arrangements appeared to work well and emphasised that, in the case of Cabinet reports, it was up to individual Members to request copies of Cabinet reports that were of interest to them. It was also agreed that the Chairman of the Scrutiny Committees had a responsibility to their Committee Members to alert them to any significant reports (especially exempt reports) which affected their particular programme area. It was also proposed that any exempt reports to Cabinet be highlighted in the Cabinet Bulletin so that members could spot them more easily.

Extract from Report to Cabinet -Review of the Constitution - 26 January 2006

Process for calling in key decisions

It is only when parts of the constitution are tested in practice that the need for refinement or fine tuning becomes apparent.

One such example relates to the Scrutiny Rules and the provisions for call-in as set out in appendix 2 to the Constitution. In the recent call-in of the Cabinet decision relating to the livestock market the matter was referred first to the Community Services Scrutiny Committee as the body responsible for that programme area. The Chairman of the Strategic Monitoring Committee took the view that the issue was of strategic importance and as such should be determined by the Strategic Monitoring Committee, exercising its co-ordinating role. The call-in was accordingly referred to that Committee based on rule 16. The rule, as drafted was not as clear as it might have been, The current rules on the co-ordinating role and a proposed revision is set out below:

"Co-ordinating Role of the Strategic Monitoring Committee

The Strategic Monitoring Committee will have powers of oversight in relation to the operation of the Scrutiny Committees and, in particular, in relation to the call-in procedure. The Chairman of the Committee will have power, ~~subject to Rule 16~~, to direct that any call-in by a Scrutiny Committee shall be ~~subject to approval by his/her Committee~~ considered instead by the Strategic Monitoring Committee. When this happens a meeting of the Strategic Monitoring Committee shall be held to determine the matter within the time limits applying to consideration of the matter by the Scrutiny Committee. In addition, following consideration of a call-in by a Scrutiny Committee the Strategic Monitoring Committee may call a meeting to review that decision prior to a recommendation being made to Cabinet or a Cabinet Member. When this happens a meeting of the Strategic Monitoring Committee shall be held within 10 working days of consideration of the matter by the Scrutiny Committee or such longer period as may be agreed by the originating decision maker and/or the Leader on behalf of the Cabinet.

~~*Where he/she directs a meeting of the Strategic Monitoring Committee shall be held to determine the matter within the time limits applying to consideration of the matter by the Scrutiny Committee.*~~

In exercising its call-in powers a Scrutiny Committee shall only refer a matter to Council in those circumstances where either the original proposal or the alternative action contemplated by the Scrutiny Committee would require a decision by Council on the Policy Framework and Budget. All references to Council under the Scrutiny Committee's powers will need the approval of the Strategic Monitoring Committee.

In dealing with cases other than call-in, where a Scrutiny Committee has reached a view on a matter which it is scrutinising and wishes to make recommendation to Council, its views will normally be submitted first to the Cabinet. The Strategic Monitoring Committee will be responsible for regulating the flow of reports to Cabinet and on to Council."

APPOINTMENT AND DISCIPLINE OF ~~STAFF~~ EMPLOYEES

1. INTRODUCTION

- 1.1 In this Appendix "Director", for the purpose of this Appendix, applies to the following officers of the Council:
- a. Chief Executive (Head of Paid Service)
 - b. Director of Adult and Community Services
 - c. Director of Children's Services
 - d. Director of Corporate and Customer Services
 - e. Director of Environment
 - f. Director of Resources ([Section 151 Officer](#))
 - g. ~~County Secretary and Solicitor (Monitoring Officer)~~ [Head of Human Resources](#)
 - ~~h. County Treasurer (Section 151 Officer)~~

This Appendix (except paragraphs **8** and **9**) shall not apply to teachers.

2. DIRECTORS - APPOINTMENTS

- 2.1 When a vacancy occurs in any of the posts mentioned in paragraph **1.1** the Chief Executive, after consultation with the relevant Cabinet Member, shall review the terms and conditions of employment attaching to the post and determine if any alterations are required.
- 2.2 The Chief Executive shall arrange for the post to be advertised in a manner designed to attract the maximum interest from suitably qualified persons following consultation with the relevant Cabinet Member.
- 2.3 The Chief Executive in consultation with the relevant Cabinet Member or the Leader, shall:
- a. Agree a statement specifying the duties of the vacant post, the qualifications and qualities sought in the person to be appointed, and a copy of this documentation shall be supplied to any person on request;
 - b. Make arrangements for the shortlisting and ~~appointment~~ [interview](#) of applicants by a Panel of Members to which appointments will be made by the Chief Executive in consultation with political group leaders. The composition of the Panel shall, as near as may be, reflect the rules on proportionality between the political groups on the Council and must include at least one member of the Cabinet. In addition to the powers for shortlisting and appointments, the Panel shall also have responsibility as required to determine the terms and conditions of Director's contracts of employment. The Chief Executive will be invited to advise

the Panel.

- c. Following the shortlisting described in **2.3.b** above, interviews shall be conducted by a Panel of Members which, as near as may be, shall reflect the rules on proportionality between the political groups on the Council. The appointments to the Panel will be made by the Chief Executive in consultation with political group leaders. The Chief Executive and Head of Human Resources will be invited to advise the Appointments and Contracts Review Panel (Part 9) save in the case of the appointment to the post of Chief Executive when the Head of Human Resources and the Monitoring Officer shall be invited to attend to give advice on personnel and procedural issues respectively.
- d. The Panel shall submit to every member of the Cabinet for comment by a specified date and time the name of the candidate recommended for appointment save that additionally in the case of the Head of Paid Service the name of the candidate recommended for appointment shall be submitted to the Council for ~~appointment~~ approval.

- 2.4 An offer of employment as Director shall only be made where no material ~~or~~ and well-founded objection has been received by the Chief Executive from the Leader on behalf of the Cabinet within the specified time limit.

3. DIRECTORS - DISMISSAL OR OTHER DISCIPLINARY ACTION RELATING TO ALLEGED MISCONDUCT

- 3.1 Save in the case of the Head of Paid Service, Monitoring Officer and Section 151 Officer, any question of dismissal, non-renewal of contract, or disciplinary action relating to alleged misconduct in regard to any Director shall be determined by a Panel convened in accordance with paragraph **2.3(b)**.
- 3.2 No disciplinary action, ~~other than suspension on full pay for a period not exceeding two months for the purpose of investigating the alleged misconduct occasioning the action,~~ shall be taken against the Chief Executive, Monitoring Officer and Section 151 Officer, otherwise than in accordance with a recommendation to the Council for a decision in a report made by a designated independent person under Regulation 3 of the Local Authorities (Standing Orders) Regulations 1993 and Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- 3.3 Any Director subject to possible dismissal or other disciplinary action shall have the right to be informed as to the basis of any action which may be taken and to appear before the Panel (see **3.1** above).
- 3.4 The Director concerned shall also have the right to appeal in accordance with the Employment Act 2000 (Dispute Resolution) Regulations 2004 to a Special Committee convened by the Chairman of the Council and comprising the Chairman of the Council, the Leader of the Council and the relevant Cabinet Member, together with not less than one and not more than two other Councillors in accordance with the rules of "political proportionality" required by Section 15 of the Local Government and Housing Act 1989.
- 3.5 The Panel or Special Committee (as the case may be) shall submit to every Member of Cabinet for comment by a specified date and time the name of the Director recommended for dismissal.

- 3.6 Notice of dismissal shall only be given where no [material and](#) well-founded objection has been received by the Chief Executive from the Leader on behalf of the Cabinet.

4. APPOINTMENTS

~~4.1 Every appointment other than is mentioned in paragraph 1.1 shall be made in accordance with the Council's appointments procedure incorporated in the Personnel Handbook.~~

4.1 Other than in relation to the procedural points contained within this appendix, appointments to the posts listed in paragraph 1.1 above will be in accordance with the Council's Recruitment and Selection procedure. In particular issues of confidentiality and the proper formal seeking of references are to be observed.

- 4.2 Appointment of officers below deputy chief officer is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors.

5. VACANCIES TO BE ADVERTISED

- 5.1 All vacancies shall be publicly advertised, except where otherwise determined by the Chief Executive following consultation with the Leader.

6. VOTING ON APPOINTMENTS

- 6.1 Where two or more candidates are being interviewed for an appointment to a post with the Council, and there is not a majority of votes cast at the relevant meeting in favour of one candidate, the candidate receiving the least number of votes shall be disregarded and a fresh vote taken, and so on until one candidate receives a majority of the votes.

7. PAYMENT OF EXPENSES

- 7.1 Every candidate, who attends for interview in connection with any vacant appointment, shall be reimbursed their expenses in accordance with the conditions of service approved by the appropriate Joint ~~Industrial Council~~ [Negotiating Committee](#) or other similar Negotiating Committee as amended, adopted or varied by the Council. In the event of no scale of allowance having been prescribed, the candidate shall be paid their actual and reasonable travelling and out-of-pocket expenses.

8. CANVASSING OF COUNCILLORS

- 8.1 Canvassing of Councillors or of co-opted members of any committee or other body directly or indirectly, for any appointment under the Council, shall disqualify the candidate concerned for the appointment. This requirement shall be stated in any application form issued.

- 8.2 A Councillor or a co-opted member of a committee or other body shall not solicit for any person any appointment under the Council, but shall not be precluded from giving a written testimonial, where named as a referee by the candidate, of a candidate's ability, experience or character.

9. RELATIVES OF COUNCILLORS OR OFFICERS

- 9.1 Every candidate for any employment by the Council who knows that they are related

to any Councillor, any co-opted member of a committee or other body or senior officer of the Council, shall disclose that relationship in their application. Failure to do so ~~may~~ shall render the candidate disqualified for the appointment and, if appointed, liable to dismissal. The intent of this paragraph must be made clear in any form of application for a relevant appointment or, where no such form is issued, be notified to every shortlisted candidate prior to interview.

- 9.2 Every Councillor, co-opted member of a committee or other body and senior officer of the Council, shall inform the ~~County Secretary and Solicitor~~ Head of Legal and Democratic Services in writing of any relationship known to them to exist between themselves and any person whom they know is a candidate for an appointment under 9.1 above, as soon as they are aware of that person's candidature. The ~~County Secretary and Solicitor~~ Head of Legal and Democratic Services shall report any such disclosure to the persons or body making the appointment. No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- 9.3 For the purpose of this Appendix, 'senior officer' means Director, Head of Service and any other officer holding an appointment at Service Manager level or Principal Officer's Grade 1 or equivalent or above, ~~and~~ ~~Persons~~ shall be deemed to be related if they are the spouse, partner, parent, grandparent, child (including step child and adopted child), grandchild, brother, sister, uncle, aunt, nephew, niece or first cousin of an existing Councillor, or senior officer or of the partner of such a person.

10. **SUSPENSION AND DISMISSAL OF ~~STAFF~~EMPLOYEES**

- 10.1 Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures or as adopted from time to time to allow a right of appeal to members in respect of ~~disciplinary action~~ dismissal.
- 10.2 The following paragraphs (10.3 – 10.67) are subject to:
- a. Any conditions of service approved by the National Joint Council for Local Government Services as amended, adopted or varied by the Council;
 - b. Any conditions of service approved by the Joint Negotiating Committees for Local Authorities' Services (Building, Civil Engineering and Engineering Craftsmen) as amended, adopted or varied by the Council;
 - c. Any conditions of service approved by the Joint Negotiating Committee for Youth Workers and Community Centre Wardens as amended, adopted or varied by the Council;
 - d. Any conditions of service agreed between the Council of Local Education Authorities and the recognised trades unions in relation to teaching staffemployees in schools as amended, adopted or varied by the Council, and also to any provisions relating to teaching staffemployees in the Articles of Government of such establishments;
 - e. Any special conditions of service prescribed by the Articles of Government of ~~colleges and~~ Voluntary Aided schools in relation to non-teaching staffemployees in such establishments;

~~10.3 A Director shall have the power to dismiss any employee:-~~

- ~~a. Who is employed under a fixed term or temporary contract of employment which is about to expire;~~
- ~~b. Whose post is or is about to become redundant;~~
- ~~c. On the expiry of an agreed probationary period where performance of their duties has been unsatisfactory;~~
- ~~d. Who has been medically certified to be incapable of discharging their duties by reason of ill health; or~~
- ~~e. Who has reached normal retirement age.~~

10.34 A Director, or any employee ~~member of their staff~~ nominated by them for the purpose of this Appendix, shall have the power to suspend any employee suspected of potential gross negligence or gross misconduct where such suspension shall, ~~in the opinion of the Director or nominated officer,~~

- a. Be necessary to enable the alleged negligence or misconduct to be investigated, or
- b. Be otherwise desirable in the interests of the Council or the employee.

10.45 During any such period of suspension, the employee shall be entitled to full salary normal pay. ~~or wages, subject to any agreement to the contrary that they may reach with the Council.~~

10.56 A Director, or any ~~member of their staff~~ employee nominated by them for the purpose of this Appendix, shall have the power:-

- a. To dismiss with due notice any employee ~~whose standards of conduct or efficiency are unsatisfactory~~ in accordance with the appropriate procedures;
- b. To dismiss any employee without notice where satisfied on reasonable enquiry that the employee has been guilty of gross misconduct;

10.67 Any employee dismissed in pursuance of paragraph 10.65 shall have a right of appeal. ~~as described in the Council's Disciplinary Procedure.~~ Where a dismissal is confirmed ~~by the Employee Appeals Panel, following an appeal,~~ the employee shall not be entitled to payment of salary ~~or wages~~ in respect of the period between the date of the dismissal and the date of the appeal if he or she was dismissed under paragraph 10.56.b above, or in respect of the period (if any) between the expiry of the notice and the date of the appeal if he or she was dismissed under paragraph 10.56.a above. Where an appeal against dismissal is upheld, the employee shall be entitled to payment of salary ~~or wages~~ in respect of any such period.

11. APPOINTMENT AND DISMISSAL OF DEPUTY CHIEF OFFICERS (HEADS OF SERVICE)

11.1 The appointment of Deputy Chief Officers is the responsibility of the Chief Executive as Head of Paid Service or his/her nominee.

11.2 The ~~Chief Executive~~ Head of Human Resources shall submit to every member of

Cabinet for comment by a specified date and time the name of the candidate recommended for appointment as Deputy Chief Officer.

- 11.3 An offer of employment of a Deputy Chief Officer shall only be made where no material ~~or~~ and well-founded objection has been received by the ~~Chief Executive~~ Head of Human Resources from the Leader on behalf of the Cabinet within the specified time limit.
- 11.4 The ~~Chief Executive~~ Head of Human Resources shall submit to every member of Cabinet for comment by a specified date and time the name of any Deputy Chief Officer recommended for dismissal.
- 11.5 The dismissal of a Deputy Chief Officer shall only be made where no material ~~or~~ and well-founded objection has been received by the Chief Executive from the Leader on behalf of the Cabinet within the specified time limit.

REPORT OF THE PLANNING COMMITTEE

Meetings Held on 25th November, 2005 and 20th January, 2006

Membership:

Councillors: TW Hunt (Chairman), JB Williams (Vice-Chairman),
BF Ashton, MR Cunningham, Mrs CJ Davis, PJ Dauncey, DJ Fleet, PE Harling,
JW Hope, B Hunt, Mrs JA Hyde, Brig P Jones CBE, Mrs RF Lincoln, RM Manning,
RI Matthews, Mrs JE Pemberton, R Preece, Mrs SJ Robertson, DC Taylor,
WJ Walling

REFERRED PLANNING APPLICATIONS

1. The following Planning Applications were determined by the Committee because (i) they related to the Council's own development or to the development of land owned by the Council; (ii) they were applications referred to the Committee by the Head of Planning Services because the Area Planning Sub-Committees are mindful to approve/refuse them contrary to officer recommendations and Council's Policies; or (iii) they were applications by Members or their relatives.
 - (a) DCCW2005/2654/F - change of use to public open space and provision of play equipment and kickabout area at land behind 10 - 80 Dorchester Way, Belmont, Hereford, HR2 7ZP for Herefordshire Council – approved as recommended;
 - (b) DCNW2005/1819/F - use of land and erection of workshop and office for coach hire business at Paytoe Lane, Leintwardine – approved subject to the applicants satisfying the requirements of the Environment Agency;
 - (c) DCSE2005/2475/F removal of condition 2 from planning permission SE2004/4117/F dated 16/2/05, The Grange, Aston Crews, Ross-On-Wye – approved as recommended;
 - (d) DCCE2005/2619/F - change of use of ground floor from class A1 (retail) to class A5 (takeaway) at 2 Holme Lacy Road, Hereford – refused contrary to recommendation;
 - (e) DCNE2005/3105/F - proposed side extension at Checketts, Old Church Road, Colwall, Malvern, Worcestershire – Approved As Recommended;
 - (F) DCCE2005/2967/F - conversion of and alterations to period barn to form offices - barn at Monks Orchard, Lugwardine, Hereford - approved as recommended;
 - (g) DCSE2005/3536/F - agricultural dwelling at The Fruit Yard, Linton, Ross-On-Wye, Herefordshire, HR9 7SD - approved contrary to recommendation;
 - (h) DCNC2005/3689/O - Site for smithy & stables with farriers cottage and apprentice flat on Part Parcel No 4493, Holmer Farm, Pudleston, Leominster, Herefordshire – deferred for a site inspection;
 - (i) DCCW2005/3683/F - Wind turbine with 9m diameter blades on a 15m tower at New Whitecross High School, Three Elms Road, Hereford For: Stepnell Ltd - deferred for a site inspection; and

- (j) DCCE2005/3940/F - construction of new public toilets at Gaol Street Car Park, Hereford, HR1 2JB For Herefordshire Council - approved as recommended.

AREA PLANNING SUB-COMMITTEES

2. Information reports have been received from the three Area Planning Sub-Committees which have dealt with the following matters:

(a) Northern Area Planning Sub-Committee

- applications approved as recommended - 33
- applications refused as recommended - 3
- applications refused contrary to recommendation - 7 (not referred to Planning Committee by the Head of Planning services)
- applications approved contrary to recommendation – 2 (1 referred to Planning Committee by Head of Planning Services).
- Withdrawn - 1
- deferred - 5
- site inspections - 6
- number of public speakers - 47 (24 supporters, 16 objectors, 7 parish councils)
- appeals - 14 have been received and 10 determined (1 withdrawn, 1 upheld and 8 dismissed).

(b) Central Area Planning Sub-Committee

- applications approved as recommended – 27
- applications refused contrary to recommendation - 8 (1 referred to the Head of Planning services)
- applications refused as recommended - 1.
- site inspections – 4
- withdrawn - 2
- number of public speakers - 19 (1 parish, 8 supporters, 10 objectors)
- appeals - 14 appeals have been received and 5 determined (2 upheld and 3 dismissed).

(c) Southern Area Planning Sub-Committee

- applications approved as recommended – 20
- applications refused as recommended – 1
- applications refused contrary to recommendation – 3 (1 referred to the Head of Planning Services)
- applications approved contrary to recommendation - 1 (referred to the Head of Planning Services).
- deferred - 2

- site inspections - 1
- number of public speakers - 28 (12 supporters, 12 objectors 4 Parish Councillors)
- appeals - 14 appeals have been received and 12 determined (3 upheld, 1 withdrawn, 8 dismissed).

ANNUAL MONITORING REPORT 2004-2005

3. The Planning and Compulsory Purchase Act 2004 requires the regular review and monitoring of Development Plans through Annual Monitoring Reports (AMRs). AMRs are based on the period from 1st April to 31st March and have to be submitted to the Secretary of State by 31st December each year. AMRs are required to assess:

- the implementation of the Local Development Scheme; and
- the extent to which policies set out in the Local Development Documents are being achieved.

The Council's first AMR has been prepared to meet the requirements of the new planning system and assess the extent to which the objectives of the Herefordshire Unitary Development Plan policies are being achieved. In previous years, annual monitoring studies have been undertaken for housing and employment with their results published in separate reports. Future AMRs will cover all annual monitoring study findings in a single document. This will enable a comprehensive approach to be formulated in assessing the extent to which policies within Local Development Documents are being achieved.

The Committee has endorsed the Annual Monitoring Report for 2004-2005 and commended it to the Cabinet Member (Environment) for submission to Cabinet and Cabinet has approved it.

LOCAL DEVELOPMENT SCHEME

4. A requirement of the Planning and Compulsory Purchase Act 2004 is that Local Planning Authorities must publish a Local Development Scheme (LDS) setting out how their forward planning work will be organised over a three-year period. The first Scheme for Herefordshire came into effect on 1st January 2005 and has recently been reviewed, with suggested changes to reflect the following factors:

- the forthcoming review of parts of the Regional Spatial Strategy (RSS), including housing and employment land provision. The Regional Assembly (Regional Planning Body) has been undertaking the review and will submit a preferred option to Government in Spring 2007 with final approval being made in Autumn 2008. The Council had a formal role in this process in advising the Regional Planning Body;
- the likely UDP timetable - the Inspectors Report is expected before July 2006 and proposed modifications to the Plan will need to be prepared for publication in Autumn, 2006;
- the need to establish timetables for proposed Supplementary Planning Documents (SPDs) which are to be prepared in parallel with the final stages of the UDP and
- the need to define more clearly the position of Parish Plans with regard to the Local Development Framework.

The Local Development Scheme has been endorsed by the Committee and commended to the Cabinet Member (Environment) for submission to Cabinet. and Cabinet has approved it

STATEMENT OF COMMUNITY INVOLVEMENT

5. Progress has been made on preparing the Council's Statement of Community Involvement (SCI) for consultation purposes. This document is required as part of the new planning system and will set out how the Council will consult on planning matters.

The purpose of the SCI is to

- set out how those involved in the consultation process will be kept informed;
- set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives;
- identify who will be consulted on particular types of documents and applications and when they will be actively involved in plan making and in reaching decisions on planning applications;
- set out transparent, accessible and meaningful approaches to community involvement in plan making and decision making on planning applications;
- encourage early involvement in decision making between the community, interest groups and stakeholders;
- recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;
- explain how the results of the consultations will be fed into preparation of local development documents undertaken by the Council; and
- ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents.

The Committee has recommended to the Cabinet Member (Environment) that the draft SCI be published for consultation purposes in line with the Town and Country Planning (Local Development) (England) Regulations 2004.

BURGHILL PARISH PLAN AND WESTON-UNDER-PENYARD PARISH PLAN

6. The Parish Plans have been prepared as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan. The Committee recommended to the Cabinet Member (Environment) that the planning elements of the Parish Plans be adopted as interim Supplementary Planning Guidance and also expressed its appreciation for the hard work undertaken by the local community in helping to prepare such comprehensive documents.

T.W. HUNT
CHAIRMAN
PLANNING COMMITTEE

BACKGROUND PAPERS

Agenda for the meeting of the Planning Committee held on 25th November, 2005 and 20th January, 2006.

REPORT OF THE REGULATORY COMMITTEE

Meetings Held on 29th November and 31st January, 2006

Membership:

Councillors: R.I. Matthews (Chairman), Brig. P. Jones CBE (Vice-Chairman) Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.G.S. Guthrie, J.W. Hope, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor, P.G. Turpin.

HIGHWAYS ACT 1980 SECTION 119 PROPOSED PUBLIC PATH DIVERSION ORDERS

1. The Committee has dealt with two applications for Public Path Diversion Orders. An Order has been granted in respect of footpath CS4 (part) at Castle Frome to move the footpath away from the garden of Moorend Farm and its private wildlife reserve based around the ponds there. An alternative route has been provided which is acceptable under the provisions of the Act following successful consultation with interested parties, the local parish council and the local Ward Councillor. There are long-standing issues about land ownership regarding an application for an Order in respect of footpath LW4 (part) at Llanwarne and the Committee has deferred the matter for six months during which time these issues must be resolved.

HACKNEY CARRIAGE TARIFF INCREASES 2005/2006 - THE TOWN POLICE CLAUSES ACT 1847 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

2. Taxi fares are reviewed annually and the Committee has approved a new tariff structure which has been based on the annual inflation indices and submissions from the Herefordshire Hackney Carriage and Private Hire Association. The new fares came into effect in December 2005 following a detailed consultation process.

SUMMARY OF LICENCES ISSUED BY THE LICENSING DEPARTMENT

3. At the meeting of Council on 4th November, 2005 some concern was expressed about the number of taxi licenses being granted for Hereford City and whether there was an adequate number of taxi ranks to support them. Investigation reveals that the licensing legislation permits local licensing authorities to place a limit on the number of vehicle licences granted but not driver licences. However it is not possible to set an arbitrary limit without being first satisfied that there is no significant unmet demand for hackney carriages. The way of assessing demand is by means of a survey and if one has not been undertaken, applicants have a right of appeal to the Crown Court against a decision to refuse a licence. The onus is then on the licensing authority to demonstrate to the court that there is no significant unmet demand.
4. The issue of unmet demand has to be considered carefully. Whilst there may be some particular pressure areas, (where taxi supply appears to outstrip demand), this may be restricted to limited times and sites. At other times demand may be high, such as in the early hours of the morning when customers leave pubs and nightclubs. A reduction in the number of taxis available to help in dispersing people at this time could create other problems such as an increase in public disorder. Whilst no detailed estimates have been sought, indications are that the figure would be in the order of £20,000 and there is currently no budgetary provision for this. There is also the problem of ongoing costs because surveys need to be undertaken on a regular

basis to ensure that “need” had not changed. The Office of Fair Trading suggests that the national average for such surveys is every two to four years.

5. In November 2003 the Office of Fair Trading produced a report entitled, “The Regulation of Licensed Taxi and PHV Services in the UK” which examined the regulation of the quantity of Taxis operating in a local authority area. The OFT report recommended, *“that the legislative provisions allowing licensing authorities to impose quantity controls should be repealed. In the meantime we recommend that LAs with quantity controls remove them on the basis that Consumers suffer through:*

- *reduced availability of taxis - quantity controls, on average, reduce the number of taxi vehicles by about 25 per cent and in some cases by much more than that;*
- *increased waiting times - quantity controls increase the amount of time that people have to wait for a taxi. Overall, our research shows that restricting quantities increases average waiting times. At certain times of day, such as peak times, waiting times increase on average 10%;*
- *reduced choice – the lower availability of taxis in LAs with quantity controls reduces transport options for consumers. These consumers use other forms of transport to make their journey; and*
- *reduced safety – a shortage of licensed taxis on the streets, especially during the evening, encourages the use of illegal taxis, potentially exposing consumers to serious safety threats. This is a significant problem. We estimate that approximately 1.8 million people have taken an illegal taxi at least once in the past 12 months. Limited supply of taxis can also contribute to difficulties faced by the police in clearing city centres or public places in the evenings;*

Quantity regulations also restrict those wanting to set up a taxi business from entering the market to meet the demands of consumers. They do this by:

- ***creating a premium on taxi licences*** – *in areas where licences are limited in number they have themselves become valuable commodities typically ranging from £12,000 to £50,000. This creates a sizeable entry barrier; and*
- ***delaying market entry*** – *areas with quantity controls have a waiting list for people wanting to set up taxi businesses. In some areas the number of people on the waiting list exceeds the number of licences already in circulation, indicating that there are more people wanting to enter the market than are currently serving it.*

Overall therefore these quantity restrictions serve neither consumers nor potential entrants. There is no clear rationale for maintaining these regulations. We have nonetheless explored potential rationales which have been put forward to justify the regulation, and found none to be convincing”

6. The Committee has noted the situation and feels that regulating the number of hackney carriages in the County would not address some of the problems encountered at certain times within the City, which need to be tackled by other means.

APPLICATIONS FOR VARIATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

7. Two applications for the variation of Hackney Carriage/Private Hire vehicle licences were referred to the Committee in accordance with the Council's terms and conditions. One was to permit a vehicle to exceed the Council's 8-year age limit until June, 2006 and the other is to permit a disabled access vehicle to be replaced with a standard saloon. The applications were approved by the Committee because of the particular circumstances involved but on the basis that neither should set a precedent.

APPLICATIONS FOR DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

8. Six applications for the renewal or grant of Hackney Carriage/Private Hire drivers licences were referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. The applicants and their representatives gave details of the grounds for their applications and they provided the Committee with the circumstances giving rise to their offences or health situations.
9. Having considered all the facts put forward by the Licensing Manager, the applicants and their representatives, the Committee decided that the Licensing Manager should be authorised to grant two applications because they considered that the applicants were fit and proper persons under the meaning of the Local Government (Miscellaneous Provisions) Act 1976. The Committee refused four applications because they considered that the applicants were not fit and proper persons under the meaning of the Local Government (Miscellaneous Provisions) Act 1976.

**R.I. MATTHEWS
CHAIRMAN
REGULATORY COMMITTEE**

BACKGROUND PAPERS

- Agenda papers from the meetings of the Regulatory Committee held on 29th November, 2005 and 31st January, 2006.

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 02 December 2006

Membership:

Robert Rogers (Independent Member) (Chairman); Councillor John Edwards, Councillor John Stone; Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member).

APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS

1. We have granted dispensations to four members of Much Cowarne Group Parish Council in relation to their roles as trustees of Burley Gate Village Hall.

KINGTON TOWN COUNCIL

2. We noted progress made with Kington Town Council's programme of support and training following the issue of a Public Interest Report by the District Auditor in respect of the town council's conduct of business. We have been receiving a series of regular reports, and the Chairman and the former County Secretary and Solicitor spent a day with the town council in April 2005. Recently, every Kington town councillor has received one-to-one training from the Herefordshire Association of Local Council's Chief Executive. This is an approach that HALC has adopted in instances when the Adjudication Panel for England or the Standards Committee has recommended further training for individual members. We welcome this.
3. The County Secretary and Solicitor has sent copies of all relevant reports, minutes, and correspondence in respect of the town council to the Standards Board for England, following recommendations made by the Adjudication Panel for England in February 2005. We are awaiting a response from the Standards Board about whether any further action is required.

WEST MERCIA INDEPENDENT MEMBERS' FORUM

4. After this report was produced, Herefordshire Council hosted the West Mercia Independent Members' Forum at Brockington on Friday 03 February 2006, and the Chairman will provide an oral update at Council. The Forum is open to all independent members of standards committees in the region, including fire and police authorities.
5. The main agenda item was a discussion on local hearings, which gave members an opportunity to exchange information and experiences. The Chairman gave a presentation on the Standards Committee's experiences of conducting local hearings, and Kevin O'Keefe, the Legal Practice Manager addressed the Forum on conducting local investigations.

DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

6. We have considered progress reports on current investigations by the Standards Board for England.
7. Arising from our usual review of previous hearings, we considered the fact that in circumstances when a councillor refuses to undertake recommended training, the Standards Board and we have no direct powers of enforcement. As a result, we have agreed that, when we recommend training at future hearings, we will consider making the imposition/non-imposition of a penalty conditional on the councillor undertaking the training.

LOCAL INVESTIGATION

8. The Standards Board has referred a complaint against a local councillor to Herefordshire Council for investigation under the provisions of the Local Authorities (Code of Conduct)(Local Determinations) Regulations 2003 (as amended). The investigation had been carried out by the Legal Practice Manager, and the matter now falls to be decided by our Committee.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

- Agenda papers of the meeting held on 02 December 2005.

REPORT OF THE STRATEGIC MONITORING COMMITTEE

Meeting Held on 26th January, 2006

Membership:

Councillors: T.M. James (Chairman), Councillor Mrs. P.A. Andrews (Vice-Chairman), H. Bramer, W.L.S. Bowen, A.C.R. Chappell, J.H.R. Goodwin, Mrs M.D. Lloyd-Hayes, J.P. Thomas, W.J.S. Thomas.

REVIEW OF THE CONSTITUTION

1. The Committee has considered a number of changes to the Constitution designed to reflect changing legislative and Council requirements. These amendments had been proposed to reflect changes to the Senior Management Structure; to make arrangements for filling unavoidable vacancies in Cabinet Member posts, to improve Members' access to information and availability of reports, to revise to the Scrutiny rules concerning the process for calling in key decisions, and to reflect a review of the Members Allowances Scheme. These changes and the recommendations relating to them are set out in detail in the Cabinet report to Council.
2. As reflected in the Cabinet report the Committee agreed with the recommendations to be made to Cabinet subject to Cabinet clarifying the proposed wording in relation to arrangements for the circulation of reports containing a key decision and for giving notification that a key decision was not included in the Forward Plan to ensure that these provisions were consistent with one another.

COMPREHENSIVE PERFORMANCE ASSESSMENT AND JOINT AREA REVIEW

3. The Committee has been informed of the receipt of the Corporate Assessment and Joint Area Review (JAR) undertaken in 2005 and the timetable for preparing an Improvement Plan.
4. It has noted that the issues raised in the JAR in particular cross the remits of a number of Scrutiny Committees. The relevant Chairmen will therefore need to discuss how the scrutiny function can contribute to the development of the Improvement Plan and its implementation.
5. The Committee has also noted the findings in the Corporate Assessment relating to Scrutiny including the statement that there is considerable room for improvement in the scrutiny function. A proportionate response will need to be made to these findings as part of the Improvement Plan.

INTEGRATED PERFORMANCE REPORT

6. The Integrated Performance Report was presented to the Committee which has noted that work is continuing to simplify the collection and presentation of performance information.
7. The Corporate Assessment, referred to above, identified amongst other things the need for the Scrutiny function to have an increased focus on performance management. The Committee will contribute to the Council's response to this finding in the Council's Improvement Plan.

COMPREHENSIVE EQUALITY POLICY

8. The Committee has noted progress in implementing the action plan designed to ensure that the Council meet the criteria to reach Level 2 of the Equality Standard by 2007.

PAY AND WORKFORCE DEVELOPMENT STRATEGY

9. Progress in implementing the strategy has been noted.

CORPORATE PLAN 2006/09

10. The Committee has noted the work been undertaken on developing the Plan, in particular steps being taken to provide fewer, but more strategic performance indicators and present information in a more helpful way for Members and managers.

LOCAL AREA AGREEMENT

11. The Committee has noted the development of the Local Area Agreement and the intention that this should improve collaboration with partners leading to improved service delivery and reduced bureaucracy.

WORK PROGRAMMES

12. The Committee has considered the development of scrutiny work programmes. It will address the need for the Committee's own work programme and those of the other scrutiny committees to reflect appropriate issues identified in the Council's Improvement Plan including the need for the scrutiny function to have an increased focus on performance management and corporate policy development in response to the finding in the recent Corporate Assessment of the Council.

ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES

13. The work of the Committees is analysed below as far as practicable under the following five roles for overview and scrutiny: holding the executive to account, best value reviews, policy development and review, external scrutiny, and improvement (performance management and review), the first four of which are identified as key roles in the report on "The Development of Overview and Scrutiny in Local Government published by the Office of the Deputy Prime Minister". Issues considered by the Strategic Monitoring Committee are listed for completeness.

Summary

14. The Adult Social Care and Strategic Housing Scrutiny Committee met on 2nd December, 2005 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	Learning Disability Service. Homelessness Consultation Event – Outcome. Joint Team with Pension Service and Voluntary Sector.
External Scrutiny	
Improvement (Performance Management and Review)	Performance/Budget Monitoring 2005/6.

Other	
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15. Attention is particularly drawn to the Homelessness Consultation Event held in October, 2005. This involved representatives from relevant agencies across the County and the Committee has made several recommendations as a result of this scrutiny event.
16. The Children's Services Scrutiny Committee met on 16th December, 2005 and considered the following issues:

Theme	Reports
Holding the Executive to Account	Cabinet Member Briefing
Best Value Reviews	
Policy Development and Review	Integrating Services for Children and Young People in Herefordshire.
External Scrutiny	
Improvement (Performance Management and Review)	
Other	Review of Statutory and Co-opted Members on Children's Services Scrutiny Committee – Update. Committee Work Programme.

17. The Community Services Scrutiny Committee met on 14th December 2005, at 6.00 p.m. in the Town Hall, Hereford, and 11th January 2006, at 6.00 p.m. at the Green Dragon Hotel, Hereford (reconvened on Friday 13th January at 2.00 p.m. at Brockington), and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	Overview of Heritage and Museum Services. Hereford City Centre Refurbishment. Tourism Development in Herefordshire. Adult & Community Services Directorate. St. Katherine's Site – Update. Review of the Experiment to Pedestrianise Widemarsh Street, Hereford.
External Scrutiny	
Improvement (Performance Management and Review)	Performance Monitoring
Other	Work Programme

18. The meeting on 11th January considered the experiment to pedestrianise Widemarsh Street. The Committee heard evidence from a range of key groups. About 40 Members of the public also attended. The Committee reconvened on 13th January to debate the evidence heard and made recommendations to the Cabinet Member (Highways and Transportation).
19. The Scrutiny Review of The Courtyard Centre for the Arts is progressing. The scrutiny review of how to retain 18-35 year olds in the County is nearing completion.

20. The Environment Scrutiny Committee met on 5th December, 2005 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	
External Scrutiny	
Improvement (Performance Management and Review)	Revenue Budget Monitoring. GEM Performance 2005/6 Half-Year Report. Development Control Performance
Other	Work Programme

21. The Health Scrutiny Committee met on 8th December, 2005 and 30th January, 2006 considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	
External Scrutiny	Presentation by Hereford and Worcester NHS Ambulance Trust. Primary Care Trust Briefing. Review of Communications Review of GP Out of Hours Services. Director of Public Health's Annual Report
Improvement (Performance Management and Review)	
Other	NHS Reconfiguration Scope for a Health Park in Herefordshire.

22. The meeting with the Ambulance Trust which was called to advise the Committee on options being considered to manage the Trust's financial situation is highlighted. The invitation had been prompted in part by reports in the press that the Trust was proposing to close/relocate the four existing ambulance stations at Bromyard, Kington, Ledbury and Ross-on-Wye. However, it also provided the Committee with the opportunity to receive its first formal report from the Ambulance Trust. It is considered that the meeting was of benefit both to the Committee and the Trust. A number of issues were identified which the Trust has been requested to address.

23. The business to be conducted by the **Strategic Monitoring Committee** at its meeting on 26th January, 2006 is summarised below.

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	Corporate Plan 2006/09 Local Area Agreement Review of the Constitution

External Scrutiny	
Improvement (Performance Management and Review)	Comprehensive Performance Assessment Integrated Performance Report Comprehensive Equality Policy Pay and Workforce Development Strategy
Other	Work Programmes

**T.M. JAMES
CHAIRMAN
STRATEGIC MONITORING COMMITTEE**

BACKGROUND PAPERS

- Agenda Papers of the Meeting of the Strategic Monitoring Committee held on 26th January, 2006.

RESULT OF THE TUPSLEY BY-ELECTION**Report By: Returning Officer****Wards Affected**

Tupsley

Purpose

1. To formally note the result of the by-election for Tupsley Ward.

Financial Implications

2. There are no direct financial implications.

Background

3. On 4th November, 2005, the Council had noted the circumstances in which the office of Councillor for the Tupsley Ward had fallen vacant.

Result

4. The election was contested and a poll was held on 1st December, 2005. Mrs. Elizabeth Ann Taylor (Liberal Democrat) was elected as Councillor for the Tupsley Ward and has completed her Declaration of Acceptance of Office.
5. The full result of the by-election was as follows:

Elizabeth Ann Taylor	Liberal Democrat	831
John Walter Perris	Conservative	608
Guy Griffiths	Independent	274
John Henry Olivier	Labour	118
Richard Thomas	Independent	56

3. Voter Turnout was 27.03%

Effect on Proportionality

4. No request has been received to review proportionality in advance of the review which takes place at the Annual Meeting of Council in May 2006. Because the late Councillor George Hyde was a Cabinet Member there is no Scrutiny Committee seat to relinquish to Councillor Mrs. Taylor. The four political group leaders have agreed to increase the membership of the Children's Services Scrutiny Committee by one to

Further information on the subject of this report is available from Christine Dyer on 01432 260222

enable Councillor Mrs. Taylor to serve on that Scrutiny Committee pending the May review.

RECOMMENDATION

THAT the information be noted.

BACKGROUND PAPERS

- None identified.

REPORT OF THE MEETING OF THE WEST MERCIA POLICE AUTHORITY HELD ON 13 DECEMBER 2005

Performance

1. The Police Authority has congratulated the Constabulary on being assessed the best performing force in the country for 2005 by Her Majesty's Inspector of Constabulary (HMIC).
2. Key facts included:
 - reduced crime in all key areas by 11%.
 - reduced domestic burglary by 19%
 - reduced vehicle crime by 9%
 - one of a small number of Forces to have reduced violent crime - a 15% reduction, and is the second best Force in the country for the number of these offences it detects
 - retention of the Charter Mark status, reflecting its commitment to customer quality of service. "West Mercia is a Force that puts customer satisfaction at the heart of everything it does".
3. The importance of the partnership work between the Constabulary and the Police Authority, together with that of other partner organisations in the Community Safety and Criminal Justice fields, was highlighted and recognised.

Police Structures

4. In September 2005, HMIC published a report entitled 'Closing the Gap' which reported on Protective Services (Level 2) and identified a national shortfall in service provision. The Home Secretary wrote to Chief Constables and Chairs of Police Authorities setting out a programme for the review of restructuring options, for shortlisting and identification of a preliminary preferred option by the end of November and final report by 23 December 2005.
5. In accordance with the Home Secretary's request, a report evaluating all the available options and the West Mercia Police Authority's proposals for a shortlist for further progression was submitted to the Home Office. The Police Authority identified two options as suitable for further progression – A Strategic Force retaining the West Mercia boundaries, and a Regional Force option incorporating West Mercia, West Midlands, Staffordshire and Warwickshire.
6. While falling short of the indicative 4000 police officer figure in the 'Closing the Gap' Report, West Mercia, as referred to above, has been assessed as performing well above most other forces of a comparable officer/staff establishment with regard to Protective Services, and at least as well as a

number of significantly larger forces. It was felt that further work on identifying the extent of the 'gap' in those services should be undertaken and costed.

7. In terms of geographical area West Mercia is already a strategically sized force and there are fears that its excellent performance and level of local police services might be placed at risk in any reconfiguration of policing priorities in a Regional force.

8. A professional assessment of policing services carried out by the Force's Executive Panel considered that an improved West Mercia Force, called the West Mercia Strategic Police Service (WMSPS) option, offered slightly higher service delivery than a four force Regional option, without introducing any of the significant risks and uncertainties that a merger with three other forces would introduce.

9. At the beginning of November 2005, the Police Authority and Constabulary commenced an extensive consultation programme, which identified all available options while highlighting two lead options.

10. The methods used to consult were an on-line and postal survey, a free phone service number and an MORI-poll telephone survey. Written responses to the Police Authority were also encouraged and actively sought from key stakeholders.

11. The majority of respondents supported a West Mercia Strategic Police Force (83% survey, 94% written, 96% telephone), including the 4 top tier authorities and key Criminal Justice partners. The MORI poll had resulted in 67% of respondents in favour of the West Mercia Strategic Police Force option.

12. The members of the Police Authority were briefed on the work undertaken on both options and indicated to the Home Secretary at the end of November 2005 that its preliminary preferred option was for the West Mercia Strategic Police Service. In particular the Authority heard the extent to which Protective Services could be enhanced in West Mercia, the costs and implementation programme involved and the extent to which budget reconfiguration could release the necessary funding to deliver those improvements without increasing precept demands.

13. At the same time the Authority considered the extent to which the Neighbourhood Policing programme could proceed given the existing readiness of the West Mercia force and the availability of government grants and partnership support. The Authority was also aware that they could not so easily predict the costs, savings and priorities of a theoretical Regional force. Members received reports on the estimated set up costs and estimated efficiency measures, and the degree of uncertainty surrounding them.

14. A number of concerns were identified by the Authority, including the very short timetable prescribed by the Home Secretary; the limited range of options available for consideration given the very restrictive criteria attached to the review process, particularly the criteria that forces should comprise not less

than 4000 officers or 6000 staff in total; and the Financing, Presenting and Governance arrangements.

15. The Association of Police Authorities is also seeking satisfactory assurances on several issues from the Home Secretary.

- An appropriate timescale for proper community consultation coupled with satisfactory arrangements for appropriate parliamentary scrutiny;
- Funding and financial issues;
- Governance and accountability arrangements.
- Substantial implications for the workforce, including transfers of officers and staff; standardisation of terms and conditions; application of TUPE; officer and staff welfare and morale.

16. The Police Authority confirmed its support for the West Mercia Strategic Police Service option at its meeting on 13 December 2005 and a submission to that effect has been made to the Home Secretary.

17. Further work will commence to develop and clarify the impact which a West Mercia Strategic Police Service would have on the options available to the other Police Authorities in the region (Staffordshire, Warwickshire and West Midlands) and how such an outcome could complement and support the overall Protective Services resilience of the Region.

Budget 2006/2007

18. The Government has announced the proposed finance settlement for 2006/07 and 2007/08 which gives a guide to the amount of grant which West Mercia will receive in those years.

19. There will be new arrangements for accounting for police pensions, which the Police Authority has generally welcomed. The grant support for police pensions is to be taken out of the police grant which supports the revenue account and the cost of pensions will be separated from the general cost of operational police services. The operational revenue account will pay a pension charge of 24.4% of police salaries into a separate pension account (the operational revenue account will also pay for certain costs in respect of ill health and injury pensions into the separate pension account.). This separate pension account will pay the actual cost of all pensions from 1st April 2006. The Home Office will then pay a grant to this account to meet any actual deficit on the account.

20. Nationally the headline announcement by the Minister of State gave prominence to a 5% increase in Government spending on policing in 2006/07 and a 4.5% increase in 2007/08. This increase includes national policing issues and specific grants to police authorities.

21. The increase in general grants to police authorities is at an overall level of 3.4% in 2006/07 (minimum 3.2%, maximum 3.7%). The level for 2007/08 is for a minimum of 3.7% and a maximum of 3.8%.

In the underlying methodology of distributing police grant, the Government has adopted a new method, which is detrimental to the long-term interests of West Mercia. However, in years 2006/07 and 2007/08 there is a system of “floors and ceilings” to prevent dramatic changes in the level of grant. West Mercia has once again received the minimum “floor” level of increase.

22. The Police Authority is considering proposals to develop the service to enhance Level 2 policing, increase the number of Community Support Officers and introduce a new Initial Police Learning Development Programme. It is anticipated that these improvements can be achieved by limiting the precept demand to around 5%, through continued efficiency, use of reserves and prudent borrowing and seeking improved Government Grants.

23. Although the Authority considers the budgetary position described above to be reasonable and sound basis for planning 2006/07 and the following year, there are further risks attaching to the period from 2008/09. The Government’s plans do not look beyond this date for specific grants or for general grants. In particular, the new funding formula is only sustainable for West Mercia by virtue of the protective floor of around £9m per annum. The Authority will be making written representations on the provisional police funding settlement expressing their concerns.

Setting Priorities for the Policing Plan 2006/07

24. The Authority is consulting stakeholders on the priorities for policing in 2006/07. Whilst the Constabulary already performs strongly it is proposed to further improve by:

Improving Local Policing Services

- Local policing teams – more officers and staff (a further 118 Community Support Officers will be recruited in 2006-7).
- More responsive policing.

Investing in Protective Services

- Enhanced CID
- Enhanced Counter Terrorism
- Enhanced Civil Protection

Investing in the Infrastructure and Equipment

- New buildings
- Modernised equipment
- Better Call Handling & Responsiveness
- Implementation of national Quality of Service Commitment
- Implementation of Initial Police Learning and Development Programme (IPLDP) for better probationer training.

Community Support Officers

25. The Police Authority has approved a bid for an additional 301 Community Support Officers (CSOs) under the Government’s Neighbourhood Policing Fund 2006/07 and 2007/08.

26. 100% funding had been provided to employ an additional 118 CSOs for the equivalent of 3.5 months during 2006/07, together with an one off grant to help establish these new officers.

27. In the financial year 2007/08 the Home Office will provide 75% of the funding of the 118 CSOs, leaving a balance of £767,000 to be funded locally, together with funding for six months to provide a further 183 CSOs

28. The Home Office has indicated that Community Safety is a shared outcome and important for regeneration, continued development and the successful delivery of other outcomes around liveability, including health, education and housing. The Home Office consider that engaging partners for both funding and to deliver actions quickly is important and it is, therefore, intended to endeavour to attract partnership funding commitment to meet the financial balance.

29. In 2008/09 the Home Office will provide 75% funding (£3,500,000) and this will require partnership funding and commitment to meet the balance of £1,189,500.

Force Performance Awards

30. The Police Authority is keen to recognise the good work undertaken by police officers and staff and has agreed a sum of £1000 to support the Force Performance Awards.

Best Value Reviews

31. As part of the programme to ensure Best Value across all the Constabulary's functions a review of Health and Safety, Occupational Health and Welfare has been completed.

32. A number of improvements will be implemented all of which have no resource implications. With respect to the provision of medical services for detainees held in custody there have been some changes in the level of expertise required for the provision of medical services. This change opens up potential synergies between this review, the Best Value Review of Custody and other areas with medical/ welfare input. In order to ensure West Mercia achieves optimum 'Best Value', options within this current review with a resource implication have been put on hold whilst further research is undertaken to determine the most appropriate means of providing all of West Mercia Constabulary's medical requirements.

West Mercia 2004/05 External Audit Letter

33. The external auditors, PriceWaterhouseCoopers have presented their 2004/05 Audit Letter stating that once again this was a very positive audit letter.

34. Significant challenges facing the Authority in the immediate future included communicating developments to the workforce; use of management time in managing change; maintaining focus on meeting operational targets.

35. The Authority has been encouraged to continue to consider carefully future levels of reserves and balances; and to continue to monitor the level of vacancies within the Force.

36. PricewaterhouseCoopers had made two statutory recommendations on the annual policing plan for 2004/05 and these had been responded to positively. There is some development needed on the annual effectiveness review of the system of internal control and this will be addressed with the Treasurer.

Police Property Act 1897

37. During 2004/05 approval was given to retain for police purpose a computer, chain saw and hedge trimmer, which had been seized.

Professional Standards Update

38. The Authority has noted that there has been a decrease in local resolution but a 25% increase in the number of finalised complaints.

39. The HMIC Baseline Report outlined a strong performance in Professional Standards with some areas for improvement. A Police Staff Investigation Manager has been appointed to address these and a further report will be submitted to the next meeting of the Authority's Human Resources Management Panel. The Authority has congratulated the Department on its improvement.

Signed on behalf of the
West Mercia Police Authority

Paul Deneen
Chair

Further Information

Any person wishing to seek further information on the subject matter of this report should contact David Brierley or Ian Payne on Shrewsbury (01743) 344314

List of Background Papers

In the opinion of the proper officer (in this case the Director of the Police Authority) the following are the background papers relating to the subject matter of this report:

Agenda papers for the Annual Meeting of the West Mercia Police Authority held on 13 December 2005.